

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 3

In the Matter of:

Starbucks Corporation,

Employer,

and

Workers United,

Union.

Case Nos.

03-CA-285671 03-CA-290555

03-CA-291157 03-CA-291196

03-CA-291197 03-CA-291199

03-CA-291202 03-CA-291377

03-CA-291378 03-CA-291379

03-CA-291381 03-CA-291386

03-CA-291395 03-CA-291399

03-CA-291408 03-CA-291412

03-CA-291416 03-CA-291418

03-CA-291423 03-CA-291431

03-CA-291434 03-CA-291725

03-CA-292284 03-CA-293362

03-CA-293469 03-CA-293489

03-CA-293528 03-CA-294336

03-CA-293546 03-CA-294341

03-CA-294303 03-CA-206200

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The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at the Robert H. Jackson United States Courthouse US District Court for the Western District of New York 2 Niagara Square Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on **Monday, August 22, 2022, 9:12 a.m.**



A P P E A R A N C E S

On behalf of the Respondent:

JACQUELINE PHIPPS POLITO, ESQ.

ETHAN BALSAM, ESQ.

WILLIAM WHALEN, ESQ.

LITTLER MENDELSON PC

375 Woodcliff Drive, Suite 2D

Fairport, NY 14450

Tel. (585)203-3413

On behalf of the Union:

IAN HAYES, ESQ.

MICHAEL DOLCE, ESQ.

HAYES DOLCE

471 Voorhees Avenue

Buffalo, NY 14216

Tel. (716)608-3427

On behalf of the General Counsel:

ALICIA PENDER STANLEY, ESQ.

JESSICA CACACCIO, ESQ.

NATIONAL LABOR RELATIONS BOARD, REGION 3

Niagara Center Building

130 S. Elmwood Avenue, Suite 630

Buffalo, NY 142202

Tel. (716)551-4931

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Kaitlyn Baganski	1824	1834	1839		
David Almond	1840	1873, 1879		1883	
Victoria Conklin	1884	1911	1921		
Colin Cochran	1922	1956	1968	1969	

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

GC-136 (a) and (b)

1952

1953

GC-137 (a) and (b)

1950

1951

GC-138 (a) and (b)

1950

1951

1 **P R O C E E D I N G S**

2 JUDGE ROSAS: Resumption in the matter of Starbucks
3 Corporation. General Counsel, are you ready to proceed?

4 MS. STANLEY: Yes, Your Honor. The General Counsel calls
5 Kaitlyn Baganski.

6 JUDGE ROSAS: Raise your right hand.
7 Whereupon,

8 **KAITLYN BAGANSKI**

9 having been duly sworn, was called as a witness herein and was
10 examined and testified as follows:

11 JUDGE ROSAS: All right. Have a seat. State and spell
12 your name, and at all times, keep your voice up and provide us
13 with an address.

14 THE WITNESS: My name is Kaitlyn Baganski, K-A-I-T-L-Y-N.
15 Baganski, B-A-G-A-N-S-K-I. And I live at 374 Elmwood Ave.,
16 Apartment 2, Buffalo, New York, 14222.

17 **DIRECT EXAMINATION**

18 Q BY MS. STANLEY: Good morning, Kat.

19 A Good morning.

20 Q Kat, what are your pronouns?

21 A She/her.

22 Q Are you familiar with Starbucks Corporation?

23 A I am.

24 Q How are you familiar with Starbucks?

25 A I was employed by Starbucks earlier this year from January

1 through May.

2 Q And what store did you work at?

3 A I worked at Sheridan and Bailey, but I trained at East
4 Robinson for about a month and a half.

5 Q What was your position?

6 A Barista.

7 Q And are you familiar with Workers United?

8 A I am.

9 Q And are familiar with the Starbucks Workers United
10 organizing committee?

11 A Yes, I am.

12 Q How are familiar with the organizing committee?

13 A My partner, Colin Cochran, is involved with the organizing
14 committee, and I've also attended a number of meetings.

15 Q Kat, when did you first apply to work at Starbucks?

16 A I first applied November 17th or 18th of last year, 2021.

17 Q How did you apply?

18 A I applied online via a portal that showed all available
19 things, and I just picked the -- the Elmwood store kind of at
20 random.

21 Q And what happened after you put in that application?

22 A I didn't hear anything until maybe early December when I
23 got a notification that that hiring cycle had closed.

24 Q So what did you do next?

25 A I submitted a new application, again December 17th or



1 18th. It was definitely a month later.

2 Q And what store did you apply to that time?

3 A It was Elmwood, Sheridan and Bailey, and Main Street
4 Williamsville.

5 Q Did you hear from anyone from Starbucks after you put in
6 that second application?

7 A Yes, I did. The following day, I had a Zoom call with --
8 pardon me -- with a recruiter, Alexis, who's based in
9 Pennsylvania. Pittsburgh, I believe.

10 Q And what happened during that call?

11 A We went through some general interview questions, nothing
12 specifics to any store that I applied to, and then she told me
13 that they would get back to me soon.

14 Q And did that happen?

15 A Yes. The next day, I heard from a different recruiter,
16 Tori. I got a phone call, which I missed, and then a text.
17 And Tori and I had a short conversation, and she offered me a
18 position first at Walden and Anderson, which I turned down
19 because my partner works there. And then she offered Sheridan
20 and Bailey as an alternative, and we -- we set that up.

21 Q And where -- what store did you work at first?

22 A First, I worked East Robinson to train.

23 Q When did you first go to East Robinson for training?

24 A I -- there was a little bit of a delay between my offer
25 and my initial employment because of the holidays and some car

1 issues, but I made it in on January 4th to sign my initial
2 paperwork.

3 Q And what happened on January 4th when you went to the
4 store?

5 A Yeah. It was about a half-hour meeting. I sat down with
6 the store manager, Keta, and we just filled out the employment
7 paperwork. It took half an hour, and I was out of there.

8 Q Do you know Keta's last name?

9 A I don't.

10 Q And what happened after that first -- first day?

11 A I went back the next day, January 5th, for my First Sip,
12 which is Starbucks orientation. I sat down with Keta and
13 Adrien, who was our support manager at the time, as well as
14 three other new hires, Connor, Neysla, and Alexander. I don't
15 know anyone's last names.

16 Q When did you start your actual training?

17 A I began the following week. It was from the 11th to the
18 14th of January, I had my official training.

19 Q And how did that official training go? What -- what did
20 you do as part of that training?

21 A Yeah. I worked one-on-one with a barista trainer, Kayla,
22 from East Robinson, and I spent half of my time working with
23 her out on the floor learning how to make drinks, run the
24 drive-through, and the other half of my time spent doing online
25 modules about company ethics or health and safety laws.

1 Q Okay. How long did your training with Kayla last?

2 A Yeah. I worked with Kayla for that five-day span from
3 the -- roughly from the 11th to the 14th, and then I continued
4 for another couple weeks after that. Up through February 6th,
5 I continued training but not with Kayla. I was just an extra
6 person on the floor, so I was working but not collecting tips
7 and I didn't have anyone specifically telling me what to do.

8 Q Did you ever talk to either the manager or the support
9 manager about your training?

10 A Yes, I did. So the -- a few days into my official
11 training with Kayla, two or three days in, I believe towards
12 the end of my shift when I was leaving, Adrien, the support
13 manager, pulled me aside and told me that there were probably
14 going to be some delays with my training, he said, due to a
15 variety of factors, COVID, the weather.

16 And I told him that I was concerned about if there were
17 delays in my training how that would affect my -- my paycheck,
18 my ability to get paid, and I asked, you know, if it'd be
19 possible to switch to a different store so that my training
20 could be done more regularly. And he said that it would be in
21 my best interest to stay at East Robinson.

22 The following day, I had a conversation with Keta. While
23 I was training with Kayla on the floor, Keta came up to me and
24 told me that my transfer to Sheridan and Bailey would be
25 delayed, and she didn't really have a specific reason for that.

1 But I asked her later in the shift if Neysla and Connor, the
2 two other trainees who were also supposed to go to Sheridan and
3 Bailey, I asked her if their transfer was to be delayed, and
4 she -- she was surprised by that question. She didn't
5 really -- she said she would have to look into it if their
6 transfers would also be delayed.

7 Q After you finished your training with Kayla, how were you
8 scheduled?

9 A Yeah. So from the -- after the 14th and through February
10 6th, I was still listed as training on the schedule. As I
11 said, that was just -- I was an extra person on the floor. I
12 was not receiving tips. And then from February 7th through the
13 13th, I worked as coverage at East Robinson, so regular
14 barista.

15 Q When you were scheduled as training, how many hours a week
16 were you getting?

17 A 20 hours a week. I believe fewer most weeks, no more than
18 20 hours.

19 Q When you applied, did you put in how many hours you wanted
20 a week?

21 A Yes, I did. When I applied online, I said that I wanted
22 25 hours a week, and then when I began, I verbally requested to
23 actually have 30 to 35 hours a week.

24 Q Who did you ask that of?

25 A I -- I would have asked Keta.

1 Q When did you transfer to Sheridan and Bailey?

2 A My first day at Sheridan and Bailey was on February 14th.

3 Q At that time, were the three other baristas you had your
4 First Sip with still at East Robinson?

5 A I can't speak to Col- -- Connor and Alexander because my
6 shifts didn't overlap with them much, but I know that Neysla
7 received her first schedule for Sheridan and Bailey on January
8 28th. And so by the time I started at Sheridan and Bailey, she
9 had already been there for about two weeks.

10 Q When you were at East Robinson, did you talk about the
11 Union at all?

12 A I did. I -- I knew from some of my friends who worked at
13 Starbucks that it's not an especially pro- -- that it wasn't at
14 that time very --

15 MS. POLITO: I'm going to object --

16 A -- pro-union.

17 MS. POLITO: -- to the answer. It was a yes-no question.

18 THE WITNESS: Yes, I did.

19 Q BY MS. STANLEY: Who did you talk to?

20 A I spoke with Kayla, my trainer.

21 Q And what did you talk about with Kayla?

22 A We -- we talked about how other stores were unionizing,
23 what her opinion was on it. She, personally, wanted her store
24 to pursue unionizing. We talked about what kind of benefits we
25 might see.

1 Q Did you talk to anyone else at East Robinson about the
2 Union?

3 A Yes, I did. Not as much as with Kayla, but --

4 Q Who else did you talk to?

5 A -- I spoke with --

6 Q I said, who else, yeah.

7 A Victoria Conklin. I spoke with her, and there were a few
8 other baristas who's names I don't recall at this time who I
9 spoke with.

10 Q Did you do anything to show your support for the Union at
11 East Robinson?

12 A Yes, I did. Beginning on January 30th, I started wearing
13 a Union button on my apron to work, and I also -- I gave a bag
14 of buttons to Victoria. In general, I was not very vocal about
15 my support because, again, I didn't think it was a very pro-
16 union store, and I was aware of my position as a -- a trainee
17 temporarily at that location.

18 Q How was Sheridan and Bailey when you first got there? How
19 was the staffing there to your -- to your recollection?

20 A Yeah. The -- the first two or three days that I was
21 there, it was well-staffed, a much busier store than East
22 Robinson, so a lot more people than I was used to seeing. But
23 then, about three days in, we received all of the -- or a
24 number of the partners from the Niagara Falls Boulevard store,
25 NFB, because NFB was being renovated. So Sheridan and Bailey

1 took on many of their partners. They were estimated to be
2 there through the end of April, so beginning at that point, it
3 was very, very crowded.

4 Q How did that impact you as a barista?

5 A Yeah. I mean, it was -- you know, it makes it hard to
6 work safely behind bar, you bump into people. And I know
7 that --

8 MS. POLITO: I'm going to object to the answer. There was
9 a specific question as to how it impacted her. Not generally.
10 How it impacted her --

11 JUDGE ROSAS: Okay. So the --

12 MS. POLITO: -- specifically.

13 JUDGE ROSAS: -- question is con- -- the answer is
14 concluded. Next question.

15 Q BY MS. STANLEY: How long did the NFB, Niagara Falls
16 Boulevard, partners stay at Sheridan and Bailey, to your
17 knowledge?

18 A To my knowledge, they were there from mid-February through
19 the end of April.

20 Q When you were at -- when you started at Sheridan and
21 Bailey, what was your availability?

22 A My availability was completely open 30 to 35 hours a week.

23 Q Did your availability ever change?

24 A Yes, it did. Toward --

25 Q When was that?

1 A Towards the end of February, I received a job offer in my
2 field, archeology, for a job that, through March, was going to
3 be full-time. So I verbally requested and over text requested
4 to reduce my availability to one day a week.

5 Q Who did you make those requests to?

6 A I spoke in person with our manager, Aimee, and over text
7 to our manager, Alex.

8 Q And did they respond to that request?

9 A I didn't hear from Alex for a while, but Aimee was very
10 supportive. She said that I could definitely go down to one
11 day a week as I needed to and that she would help me find
12 coverage for the schedule for the shifts that I had already
13 been scheduled for, and that, going forward, as new schedules
14 were posted, I would only be scheduled on Sundays.

15 Q Did your availability ever open back up?

16 A It did not. I ended up working full-time at my new job
17 longer than anticipated, and I couldn't balance both. So
18 after -- maybe after the third week of March, maybe a little
19 later than that, I was taken off the schedule altogether but
20 still officially employed at Sheridan and Bailey.

21 Q And did that ever change?

22 A No, it didn't. I -- I did not work another shift, but it
23 wasn't until May 23rd that I received a call from the new store
24 manager, Hannah --

25 Q And what did Hannah say?

1 A Hannah told me that, because I had been out for so long, I
2 would either need to come back and work more or officially
3 resign, and so I chose to officially resign.

4 Q Did Hannah say you needed to have any specific
5 availability?

6 A No. She just told me that --

7 MS. POLITO: Objection. She just answered that she was
8 told that she had to come back and work more. She didn't --

9 JUDGE ROSAS: I'll allow it.

10 MS. POLITO: -- say how much.

11 JUDGE ROSAS: Overruled. Continue.

12 THE WITNESS: She did not tell me I needed to work a
13 specific number of hours. She just told me I had to come in
14 and work.

15 MS. STANLEY: I have nothing further at this time, Your
16 Honor.

17 JUDGE ROSAS: Charging Party.

18 MR. HAYES: No questions.

19 JUDGE ROSAS: All right. Off the record.

20 (Off the record at 9:26 a.m.)

21 JUDGE ROSAS: Respondent, cross.

22 **CROSS-EXAMINATION**

23 Q BY MS. POLITO: Ms. Baganski, is that the correct way to
24 pronounce your name?

25 A Yes, that's correct.

1 Q Thank you. You said that you had your First Sip at East
2 Robinson on January 5th, 2022; is that correct?

3 A That's correct.

4 Q And you had indicated through Partner Hub that you had
5 availability of 20 hours a week.

6 A Yes.

7 Q And isn't it a fact that the rest of your duration of your
8 employment, you never made any availability change in Partner
9 Hub.

10 A I'd like to amend that I was 25 a week.

11 Q 25 a week.

12 A Yes.

13 Q So when you first started -- let's step back for a minute.
14 When you first started, you got a Partner Guide. Do you
15 remember that?

16 A Yes.

17 Q And did you acknowledge receipt of a Partner Guide?

18 A I suppose.

19 Q Do you recall specifically doing that as part of your
20 onboarding process?

21 A I was given it within -- with a bag and my apron and
22 everything else at that First Sip.

23 Q Do you remember signing something saying that you ackow --
24 acknowledge receipt of the Partner Guide?

25 A I don't recall.



1 Q Okay. With respect to your availability, do you remember
2 going onto Partner Hub and indicating that you were available
3 up to 25 hours a week?

4 A I indicated that only on my initial application.

5 Q You never made any changes into the system.

6 A No.

7 Q And that application is an online application, as you've
8 testified to earlier, correct?

9 A Yes. Correct.

10 Q And so online, you indicated that you available for up to
11 25 hours a week, correct? And you never made that -- any
12 change to that availability online; is that correct?

13 A No.

14 Q No change.

15 A No change.

16 Q And then you testified that Conlay (sic) Neysla started
17 around the same time as you, is that correct, at East Robinson?

18 A Neysla.

19 Q Neysla.

20 A Yes. Connor was a different trainee starting at the same
21 time.

22 Q And when did Neysla start?

23 A She had her First Sip the same day as I did on January
24 5th. I'm not sure what day her training began, though.

25 Q And -- and you testified earlier that she was told on

1 January 28th that she was scheduled to work at the Sheridan and
2 Bailey store?

3 A January 28th, she got a schedule posted online.

4 Q And you didn't start wearing your Union button until
5 January 30th; is that correct?

6 A No, yeah.

7 Q So Neysla was transferred to Sheridan and Bailey before
8 you started wearing your Union button --

9 A Yes.

10 Q -- is that correct? And then on January 30th, you started
11 wearing your Union button on a daily basis, or when it -- when
12 you were scheduled to work, is that correct?

13 A Yes.

14 Q And shortly thereafter, you were transferred to the
15 Sheridan and Bailey store, correct?

16 A That's correct. On the 14th of February.

17 Q And no one told you that wearing your Union button
18 impacted your transfer to the Sheridan and Bailey store,
19 correct?

20 A No.

21 Q And then you told us you got a job in your field so you
22 had reduced availability to one day a week; is that correct?

23 A That's correct.

24 Q And at some point, the store told you that they could no
25 longer accommodate that schedule due to business needs,

1 correct?

2 A Correct.

3 Q And then you voluntarily resigned.

4 A Yes, that's correct.

5 Q And is it your understanding that because you voluntarily
6 resigned, if you wanted to return to work at Starbucks at some
7 point, you'd be able to?

8 A Yes. I was -- I was told I could.

9 Q Isn't it true when you started working at the East
10 Robinson store that you were told that you might be delayed
11 going to Sheridan and Bailey because of the closing of Niagara
12 Falls Boulevard store?

13 A I was not told until several days into my training.

14 Q But you were, in fact, told during your training period
15 that --

16 A Yes.

17 Q -- your transfer to Sheridan-Bailey could be delayed
18 because of the Niagara Falls Boulevard partners being placed at
19 Sheridan and Bailey, correct?

20 A That's correct.

21 Q And that had nothing to do with your union activity at
22 that time, correct?

23 A No.

24 MS. POLITO: Nothing further.

25 JUDGE ROSAS: Any redirect?

1 MS. STANLEY: Just very briefly, Your Honor.

2 **REDIRECT EXAMINATION**

3 Q BY MS. STANLEY: Kat, at the time that Hannah told you
4 that you needed to work more or resign, how many hours per week
5 were you working?

6 A Zero.

7 Q How long had you been working zero hours per week?

8 A Since approximately the third week of March.

9 Q And when you were working one day a week, did any- --
10 anyone tell you you needed to resign or work more hours?

11 A No.

12 MS. STANLEY: Nothing further.

13 JUDGE ROSAS: Do you have anything else?

14 MR. HAYES: No questions, Your Honor.

15 JUDGE ROSAS: Any follow-up?

16 MS. POLITO: No, Judge.

17 JUDGE ROSAS: Thank you. Your testimony's concluded. Do
18 not discuss your testimony with anyone until you're advised
19 otherwise by Counsel, all right? Have a good day.

20 THE WITNESS: Thank you.

21 JUDGE ROSAS: Off the record.

22 (Off the record at 9:48 a.m.)

23 JUDGE ROSAS: Next witness?

24 MS. STANLEY: The General Counsel calls David Almond.

25 JUDGE ROSAS: Raise your right hand.



1 Whereupon,

2 **DAVID ALMOND**

3 having been duly sworn, was called as a witness herein and was
4 examined and testified as follows:

5 Whereupon,

6 JUDGE ROSAS: All right. State and spell your name.
7 Provide us with an address, and speak loudly at all time, okay?

8 THE WITNESS: Okay. David Almond. It's D-A-V-I-D A-L-M-
9 O-N-D. And my address is 2481 Eggert Road, Tonawanda, New
10 York, 14150.

11 **DIRECT EXAMINATION**

12 Q BY MS. STANLEY: Good morning, David.

13 A Good morning.

14 Q David, what are your pronouns?

15 A He/him.

16 Q And are familiar with Starbucks Corporation?

17 A Yeah.

18 Q How are you familiar with Starbucks?

19 A I worked there.

20 Q How long did you work for Starbucks?

21 A It'd be about four years, September 2017 until January of
22 this year.

23 Q What position did you hold?

24 A Store manager?

25 Q And how long were you a store manager?



1 A The entire time except a brief excerpt as a -- I was
2 helping out as a district manager.

3 Q When was that?

4 A It was about February of 2022 -- or 2020, yeah. Sorry.

5 Q Until when?

6 A About July.

7 Q Of what year?

8 A The same year, sorry.

9 Q Okay. And when you first started, when you were first
10 hired, what store did you work at?

11 A The Cheektowaga store across from the airport.

12 Q Is that also called the Genesee Street store?

13 A Genesee Street, yep.

14 Q And did you ever work at any other stores?

15 A Yeah. I ended up taking over a different store called
16 Transit Commons about two years in. And I worked at the Depew
17 store just to help out as a dual op manager.

18 Q When you -- when you -- when you worked at Transit
19 Commons, who was your district manager?

20 A David LaFrois. First it was Denise.

21 MS. POLITO: Objection. He answered the question.

22 JUDGE ROSAS: Sustained.

23 Q BY MS. STANLEY: Was anyone other than Dav -- David
24 LaFrois your district manager at Transit Commons?

25 A Yeah. Denise.



1 Q When did David LaFrois become the district manager?

2 A In July of 2020.

3 Q Prior to August 2021, what were your job duties as a store
4 manager?

5 A Really, everything. Profit and loss statement management,
6 facilities management, hiring, recruiting, overseeing the
7 training programs, setting up food cost systems, inventory
8 systems, and setting up a culture in a store.

9 Q Prior to August of 2021, what was your typical work
10 schedule?

11 A It's not really a typical work schedule. You would
12 schedule yourself, you know, your 40 hours, but you have to be
13 flexible at Starbucks because if someone calls out, you have to
14 go in.

15 Q So how many -- about how many hours of work a week did you
16 typically work?

17 A Geez. Probably about 50, but on an average, I would say
18 about 45.

19 Q And of that 45 hours a week, how much time did you spend
20 working on the floor?

21 A Again, that would depend because if somebody called out,
22 you would change what you were doing that day, which might be
23 admin, to cover the floor instead. So it -- it really just
24 depended --

25 MS. POLITO: I'm just going --



1 A -- on the week.

2 MS. POLITO: -- to object and ask him --

3 JUDGE ROSAS: Sustained.

4 MS. POLITO: -- to answer the question.

5 Q BY MS. STANLEY: Can you just give us an estimate?

6 A An estimate? Maybe like a 60/40 split, I guess.

7 Q 60 being?

8 A 60 on the floor and 40 of admin.

9 Q David, are you familiar with the union called Workers
10 United?

11 A Yeah.

12 Q When did you first learn about Workers United?

13 A I think it was September of 2021.

14 Q How did you learn about that union?

15 A We had to get on a last-minute phone call, a
16 videoconference about --

17 Q Who's we?

18 A Oh. Everybody. All the store managers were instructed to
19 get on a call.

20 Q With who?

21 A Nathalie from Legal --

22 MS. POLITO: I'm going to object to any answers that this
23 witness is planning on testifying to that involves
24 conversations where legal counsel of Starbucks were represented
25 as attorney-client privileged communications.

1 MS. STANLEY: There are no questions about that.

2 MS. POLITO: Well, he just mentioned that he was on a call
3 where Legal was on. So he -- he's -- he has -- he can't talk
4 about it.

5 JUDGE ROSAS: In-house --

6 MS. POLITO: Privileged communications.

7 JUDGE ROSAS: -- legal? In-house legal?

8 MS. POLITO: Yeah.

9 JUDGE ROSAS: In-house legal on a call. Well, let's --
10 let's see who else is on the call. Let's establish that.
11 Who's -- who was on the call.

12 THE WITNESS: Deanna Pusatier, who was, like, the regional
13 director, and all the district managers. Not just our district
14 manager, but all the district managers from the region.

15 JUDGE ROSAS: Okay. Next question.

16 Q BY MS. STANLEY: David, how do you know that the person
17 named Natalie was from Legal?

18 A I just knew what Nathalie's title was. I don't know how I
19 knew.

20 Q Do you know Nathalie's last name?

21 A No. I only remember it's Nathalie because my sister's
22 name is Natalie, but she spells hers different than my sister
23 does.

24 Q Did this Nathalie have an accent?

25 A Yeah, yeah.

1 Q Could she have been a Partner Resources director?

2 MS. POLITO: I -- I'm going to object. He said that there
3 was a person on this call from legal. It's an attorney-client
4 privileged communication that he cannot testify about.

5 JUDGE ROSAS: Well, what was the question? I didn't hear
6 it.

7 MS. STANLEY: The question was, could this Nathalie have
8 been a Partner Resource director?

9 MS. POLITO: She's trying to change his --

10 JUDGE ROSAS: Overruled.

11 MS. POLITO: -- testimony.

12 JUDGE ROSAS: Overruled. Let's get an answer for that, if
13 you know.

14 THE WITNESS: Yeah. I -- I don't actually know what her
15 title was. I just --

16 JUDGE ROSAS: Okay.

17 Q BY MS. STANLEY: What did Deanna say in that -- in that
18 call?

19 MS. POLITO: It's a attorney-client privileged call. If
20 there was a lawyer on the phone call, it's subject to attorney-
21 client privilege and he cannot testify about it as a former
22 manager of Starbucks.

23 JUDGE ROSAS: Okay.

24 MS. POLITO: He cannot waive the privilege. He does
25 not --

1 JUDGE ROSAS: All right. Hold on --

2 MS. POLITO: -- have that right.

3 JUDGE ROSAS: -- Counsel. Hold on. Sir, I'm going to ask
4 you step out.

5 THE WITNESS: Oh, sure.

6 JUDGE ROSAS: Just don't talk to anybody, okay?

7 THE WITNESS: Yeah.

8 JUDGE ROSAS: All right. Counsel, first, let me -- let me
9 just explain to the Respondent that in-house counsel
10 involvement in transactions does not make an attorney-client
11 privilege absolute in all instances, so we have to provide --
12 so we have to get some additional foundation, background for
13 where the General Counsel's going.

14 What's your offer of proof for this line of questioning?

15 MS. STANLEY: Your Honor, the Nathalie that he's talking
16 about is not in-house counsel. She's a Partner Resources
17 director per the complaint, which Respondent admitted to be her
18 title.

19 JUDGE ROSAS: So to your knowledge, there's no legal
20 counsel involved in these conversations.

21 MS. STANLEY: That's correct, Your Honor.

22 JUDGE ROSAS: Okay.

23 MS. POLITO: I don't know that. He said that --

24 JUDGE ROSAS: Okay.

25 MS. POLITO: -- there is a legal counsel involved. If

1 there's a legal counsel involved --

2 JUDGE ROSAS: So we should cut off all questioning --

3 MS. STANLEY: He also said he --

4 JUDGE ROSAS: -- because you don't --

5 MS. STANLEY: -- didn't know --

6 JUDGE ROSAS: know that?

7 MS. STANLEY: -- what her title was.

8 MS. POLITO: Well, how -- how would I know that, Judge?

9 JUDGE ROSAS: Well, you'll -- you'll --

10 MS. STANLEY: He test --

11 JUDGE ROSAS: -- found out.

12 MS. STANLEY: His testimony --

13 JUDGE ROSAS: You'll found out, and -- and if it turns
14 out -- if it turns out to be the case, we can always address
15 that testimony, okay?

16 MS. POLITO: His testimony on the stand was that there was
17 someone from legal on that phone call. If someone from legal
18 was on that phone call, it's subject to attorney-client
19 privilege, and he can't testify about it. He does -- doesn't
20 have a right to waive it. If no one from legal was on that
21 call, I agree he has a right to talk about it. I think Ms.
22 Stanley indicated that she wasn't intended on going down the
23 road of attorney-client privileged communications.

24 MS. STANLEY: That's correct, given that no one from legal
25 was put on the call --



1 MS. POLITO: Which is great --

2 MS. STANLEY: -- from my understanding.

3 MS. POLITO: -- but that's not what his testimony was.

4 His testimony was that someone from legal was there.

5 MS. STANLEY: But in re -- in response to the Judge's
6 question --

7 JUDGE ROSAS: Okay.

8 MS. STANLEY: -- he said he wasn't sure what her --

9 JUDGE ROSAS: All right.

10 MS. STANLEY: -- title was.

11 JUDGE ROSAS: Before we get into too much cross-
12 discussion, the answer is, no, the Respondent -- even if, in
13 theory, it turned out to be anything involving legal, in-house
14 counsel does not make an absolute privilege in every
15 transaction. It remains to be seen. Let's bring the witness
16 back.

17 MS. STANLEY: Okay.

18 MS. POLITO: That's not -- that's not accurate. You've
19 got to have someone find something because that's not accurate.

20 JUDGE ROSAS: Okay. Continue.

21 **RESUMED DIRECT EXAMINATION**

22 Q BY MS. STANLEY: David, what happened on that call?

23 A Oh, okay. That was the call where they announced that
24 there was union activity happening in Buffalo, and they went
25 over what we should do if anybody brought up unionization in

1 the store. They went over our team plays kind of right to
2 labor were, and talked about if someone came in to get them to
3 sign Union cards, that we could tell them that they're working
4 right now, you know. You could do that when they're not at
5 work. I think that was, like, the sum of it.

6 Q Did you ever speak to David LeFrois about the Union?

7 A Oh, yeah.

8 Q When was that?

9 A It was a couple days after that. We were in a meeting
10 together, me, him, and Patty Shanley.

11 Q Where -- where was that meeting taking place?

12 A At the Elmwood Ave store.

13 Q And what happened during that meeting?

14 A David kept getting called away out of nowhere. And he was
15 kind of flustered and apologized about it. And he said this --
16 it's the Union stuff. They keep pulling me away to talk about
17 the Union stuff. And he told me he was worried they were going
18 to use him as a scapegoat, and he was going to lose his job.

19 Q Did you say anything to him?

20 A Yeah. I told him I think as long as you act with
21 integrity, you'll -- he'll be fine, and not to worry.

22 Q Did you have any further conversations with David LeFrois
23 after that?

24 A It was like a day later, another emergency phone call we
25 all got on, and David was teary eyed, and he said that he was

1 leaving Starbucks.

2 Q Did you participate in any further store-manager-wide
3 conference calls?

4 A Oh, yeah. A lot of them.

5 Q And who would lead those calls?

6 A Usually, Deanna Pusatier. It would be her and Emily Filc.

7 Q And what happened on those calls?

8 MS. POLITO: I'm just going to ob -- ca -- can I ask if
9 whether or not legal counsel was on those calls?

10 THE WITNESS: Not that I know of. It was -- it was Deanna
11 and Emily. It would kind of go back and forth, changing what
12 we were being told to do.

13 Q BY MS. STANLEY: In what way?

14 A Yeah. At first, it was okay if partners wore a pin for
15 the Union, which I think is actually in our dress code, they
16 could support one labor organization. Then, don't -- do not
17 allow them to wear the pin. We were told -- Allyson Peck was
18 on one of the calls. She's above the regional directors,
19 like -- so she -- she's in charge of the regional directors.
20 And she told us that the reason why the Union was happening in
21 Buffalo was not because of the employees' concerns, but because
22 Buffalo was not to standard. And I asked her specifically,
23 what does that mean, we're not to standard?

24 Q And what did she say?

25 A She said that we are allowing too many people to call out



1 sick and not holding them accountable, and we were not spending
2 enough labor on training, and that there were widespread
3 facilities issues. We addressed the facilities issues --

4 Q Did you -- did you say anything to her when she made those
5 comments?

6 A Oh, yeah.

7 Q And what did you say?

8 A Well, I'm -- I'm sorry, this is Deanna I said to --

9 Q Okay.

10 A -- what's the process for facilities issues? And she
11 outlined it as if there's an issue, you log the ticket. If
12 there's no traction on it, you get an email going to the
13 facilities manager and get the district manager involved. And
14 that's what I told her the exact process that we followed, and
15 we would be told, and I would be told, specifically, that there
16 was no budget for it. We would have to wait. That will be
17 part of, like, every six months, they would kind of bundle a
18 bunch of stuff together, but none of that stuff ever got done
19 every six months.

20 Q Were you ever assigned a new district manager after David
21 LeFrois left?

22 A Yes. She's sitting in here. And --

23 Q What's her name?

24 A MK.

25 Q How did you meet MK?



1 A I was doing a six-month evaluation with a partner, like
2 about over how their performance is. And then we talked about
3 what do they want to work on to improve their own skills. We
4 were in the middle of that conversation, and -- and one guy I
5 didn't know came in and waved, and I just didn't know who it
6 was, so I waved back, you know. And then eventually, she came
7 over and told me that her name was MK, she was from Washington,
8 she said they asked her to hop on a plane last night, and she
9 got right on the plane and came out, and she was my new interim
10 district manager.

11 Q Did you ever have a meeting, any meetings, with MK and the
12 store managers?

13 A Yeah. MK and Michaela Murphy would have meetings
14 together.

15 Q Who's Michaela Murphy?

16 A Oh, her partner. They -- they're both district managers,
17 and they kind of split their work up.

18 Q And what would happen in those meetings?

19 A They changed a lot of ways we do things --

20 Q Like what?

21 A -- in one of those meetings.

22 Q How -- what changed?

23 A Well, historically, like, if I went to work, let's say
24 6:00 to 3:00, and a partner call out, so I ended up staying
25 till 6:00 p.m., I would -- I would log that time in -- in my

1 time card, or if I wasn't able to get everything done because
2 I'd be on the floor, I would change that to coverage because
3 somebody called out, and I was on the floor. And MK told us no
4 longer to do that. We're not to log any of our hours. You
5 write the schedule for 40, and whatever it is, just keep it,
6 even if you work different hours. And Sonia Velasquez had
7 said, well, what about --

8 MS. POLITO: I'm just going to object because I think he
9 answered the question --

10 JUDGE ROSAS: Okay.

11 MS. POLITO: -- and he's going on to a different topic at
12 this point.

13 JUDGE ROSAS: Just listen to the question, and respond
14 just to the question, and let her take you through it, okay?

15 THE WITNESS: Okay.

16 Q BY MS. STANLEY: Did anyone ask any questions in that
17 meeting?

18 A Yeah. Sonia asked, what about every 30 hours we work, we
19 earn one hour of paid sick time, so that's why we make sure we
20 log our time because when we work more than 40 hours, to earn
21 that sick time.

22 Q And was there a response to that question?

23 A Yeah. She told her to suck it up.

24 Q Who told her?

25 A MK.

1 Q Did anyone else ask questions in that meeting?

2 A Yeah. Joseph DePonceau. There was a conversation about
3 protected time. They said that our time was not protected
4 unless it was sick or vacation time, and that if anybody called
5 out, we were to go back to the store at the drop of a hat, and
6 there was no excuse for us not to go back to the store
7 whatsoever, unless it was protected time. And Joe asked, well,
8 what about on Thursdays, I go and pick up my son from school.
9 What if I have to pick up my son?

10 MS. POLITO: I'm going to object to this whole line of
11 questioning and answering as being completely irrelevant to the
12 underlying third amended complaint. What this individual is
13 doing with his kid has nothing to do with what's going on in
14 this courtroom.

15 JUDGE ROSAS: Paragraph in the complaint, Counsel?

16 MS. STANLEY: This is -- this is -- he's talking about
17 changes in what the store managers were allowed to do before
18 and after the Union campaign, which is --

19 MS. POLITO: Is there some allegation --

20 MS. STANLEY: -- in the complaint.

21 MS. POLITO: -- that they contain --

22 MS. STANLEY: Yeah.

23 MS. POLITO: -- to what management does?

24 JUDGE ROSAS: Overruled. You can answer. Well, he
25 already an -- you finished your answer?

1 THE WITNESS: Almost.

2 JUDGE ROSAS: Okay. Go ahead.

3 A So Joe had asked, you know, what if I have to go get my
4 son? Am I going to get written up for that? And MK said,
5 yeah, absolutely. You'll be written up for that.

6 Q BY MS. STANLEY: Did the Union come up in these meetings
7 at all with MK and Michaela?

8 A Oh, yeah. It was always being talked about.

9 Q And what was said about the Union?

10 A It was back and forth. The policies were constantly being
11 changed. One day, you're not allowed to talk about union at
12 all. The next day, you're allowed to tell them that you don't
13 agree with the Union. It was just nonstop. There was a lot of
14 scrambling about the Union. And there was talks about what
15 dates were coming up where people were going to vote for
16 unionization, things like that. Which stores were involved.

17 Q Did you ever have any one-on-one conversation with
18 Michaela Murphy about the Union?

19 A Yeah. Michaela Murphy asked me to talk to her. I called
20 her up, and she said she had a partner come out, Mary Harris,
21 as a -- another store manager to help out in the store. And
22 she said, I saw your schedule for Mary, and I don't think you
23 understand that the partners in your store are talking about
24 unionizing. They're specifically talking about filling out
25 Union registration cards. So I know you're not worried about

1 it, but there's something real happening in the store. She
2 said, so we're going to change our tactic, and moving forward,
3 we need a manager there all day long, from open till close.
4 She said, this way, the partners won't feel comfortable talking
5 about the Union, and if they do, then you should discourage
6 them. Tell them that you don't agree with it because it'll
7 make them uncomfortable, and they won't talk about the Union.
8 So she made me rewrite all the schedules so that there was a
9 manager on from open all the way till close. So no overlapping
10 or anything like that.

11 Q Prior to August of 2021, how many managers worked at
12 Transit Commons?

13 A Oh, just me. Just one store manager.

14 Q Did that ever change?

15 A Yeah. The -- jeez, when was it? Maybe about a month in,
16 I got a phone call from the neighbor store manager, and he
17 said --

18 Q Well, tell me -- tell me what ch -- what had changed at
19 your store?

20 A Oh, okay. He -- his name was Dimas Nava, he came in, and
21 he was supposed to be a support manager to -- to help out the
22 store in any way we needed it.

23 Q When did he start at your store?

24 A I -- I want to say about a month after the Union stuff
25 started.

1 Q And when was that, to your knowledge?

2 A In October.

3 Q When did David LeFrois leave?

4 A Oh, David LeFrois was, like, three days after the
5 conversation about the Union first started in September, I
6 believe.

7 Q And whe -- and how did you learn that Dimas Nava was
8 coming to your store?

9 A I got a phone call from another store manager to tell me
10 that he was working in this -- and someone came in and said,
11 hi, I'm -- I'm your new store manager support person, and he
12 didn't know what they were talking about, and --

13 Q What did -- what did he say about your store?

14 A Yeah. I told him, well, someone's going to Transit
15 Commons, too, later today. So that's -- you know so he called
16 me up. That's how I found out I was getting a support manager.

17 Q When Dimas worked at -- at Transit Commons, what did he
18 do?

19 A I think he was just a barista.

20 Q Did you ever get any other support managers?

21 A Yeah. MK and Michaela Murphy talked to me a lot about how
22 I work so hard and I deserve vacation. You should take a
23 vacation now that Dimas here. And I was like, okay, you know,
24 I think I'm going to. I -- I never take a vacation, like, this
25 time of year. So I took a vacation, and then they said they

1 had to bring Mary Harris in as a support manager to cover my
2 vacation.

3 Q When was that?

4 A And she was -- she was there only, like, two and half
5 weeks. That was maybe about, I want to say mid-November, but I
6 could be wrong about dates.

7 Q Um-hum. And what did Mary -- when -- when you got back
8 from your vacation, was Mary Harris still there?

9 A Oh, yeah.

10 Q How long did she stay on as a support manager?

11 A About two weeks. It was really while I was on vacation
12 more than anything else.

13 Q Was she still there when you got back from vacation?

14 A Oh, yeah. I walked in, and she was sitting in the lobby,
15 and she had her little notebook out, and she had her notes she
16 wanted to go over with me about --

17 MS. POLITO: Objection. He -- he's not answering -- he's
18 continuously not --

19 JUDGE ROSAS: Yeah.

20 MS. POLITO: -- answering the question.

21 JUDGE ROSAS: Just -- just answer the question.

22 Next question.

23 Q BY MS. STANLEY: When you got back from vacation, what
24 conversation did you have with Mary Harris?

25 A Well, Mary was sick. She was in the bathroom puking, and

1 she was trying to hide it from us. I found out -- I asked her
2 again, are -- are you sick? You keep going to the bathroom.

3 MS. POLITO: Again, he's not answering the question,
4 Judge.

5 MS. STANLEY: And he's not -- he's saying what
6 conversation he had with her.

7 JUDGE ROSAS: Overruled.

8 A And she admitted it to me, so I -- I had to send her home.
9 And she did not want to go home because she had a meeting with
10 Rossann Williams to talk about her experience at the store and
11 the partners.

12 Q And what did you tell her?

13 A I said, just tell her that you're sick, and you could have
14 a video conference call with her. I'm sure it's acceptable.

15 Q Did --

16 A She agreed to that, but she still ended up coming to the
17 store. It was my day off, and she still went, even though she
18 had been puking the day before.

19 Q Did you ever talk to Mary about the Union?

20 A Yeah. Mary brought up -- she brought exactly which
21 partners were in the Union with me. She ran down the list of
22 them, partners that are interested in unionizing, and I told
23 her, I -- I don't care.

24 Q Did any other managers talk to you about the Union one-on-
25 one?

1 A Dimas did the same day that everybody came back from my
2 vacation. He read down the same list, and MK wanted to have
3 a -- a talk with me about Mary's experience. She ran through
4 the same list of people with me.

5 Q What did Dimas say when he talked to you about that list
6 of people?

7 A He said Georgia had been argumentative with Mary, and
8 didn't make her feel welcome in the store, and then he said MK
9 would talk to me about it.

10 Q Did he address any other people specifically?

11 A Yeah. I'm sorry. They -- they mentioned Georgia, Nina,
12 Noel, and Cassidy in particular.

13 Q And what did Dimas say about those people?

14 A Georgia apparently was wearing purple pants while they
15 were working. They wanted to -- to use that to write her up
16 because they said if we wrote her up for being argumentative,
17 then that wouldn't look good, so we could write her up for the
18 purple pants because that's our dress code. Noel, they said
19 they thought that she was doing some sort of asset protection
20 thing with friends and family discounts. So I asked well, you
21 know, was she giving her discount on her break, like, coming
22 around the counter and paying for the food, or -- but they
23 didn't have any tickets or anything.

24 Q Why would you ask that, if she was doing it on her break?

25 A Well, if she's on her break and she's paying for it, she

1 could use her discount for anybody. That's -- that's her
2 prerogative.

3 Q And what else -- what else was said?

4 A And then, Nina had -- they didn't like Nina's attitude.
5 That's all it came down to. And Cassidy, MK said was
6 combative (sic) with them. She wasn't welcoming, and she
7 asked me if we had any write ups on Cassidy, and I said no.
8 Cassidy's --

9 Q Who --

10 A -- a really --

11 Q Who asked you that?

12 A MK.

13 Q Okay. And what did you say?

14 A I said Cassidy's a great shift supervisor. I don't have
15 any write ups on her.

16 Q And what did MK say?

17 A She said go through her files. She's a long-term partner.
18 I'm sure there's something in there we can use against her,
19 and --

20 Q Did anyone else from corporate talk to you about any of
21 the specific store employees?

22 A Yeah. There were two different times. The first time, I
23 think was Rachel Kelly.

24 Q Who was she?

25 A I couldn't even tell you what she does. Something with

1 facilities. There's these ROCs that I never heard of until all
2 this started, and the sudden, it was like --

3 Q What does ROC star -- stand for?

4 A I don't know.

5 Q Okay. And what conversation did you have --

6 A All -- all I know is people would come in saying they're
7 and ROC, and asking what we needed, and they'd go through the
8 layout of the store and ask you what you want changed. And
9 then another ROC would come in, and they -- they would talk to
10 each other. But Rachel Kelly in particular, I was outside
11 showing her the patio and how the fencing was loose, and she
12 said she was going to get it taken care of. And she saw one of
13 the employees coming in --

14 Q Which employee?

15 A -- and -- well, she said, who -- who's that? And I says,
16 oh, that's -- that's Michael. And then she said, Sanabria?
17 And I'm like, yeah. It was just weird to me. So Michael was
18 coming in from his car, and she said, what's he got in his
19 hand? Oh, I think he's got a Union poster. And she -- she got
20 really flustered, and she was like, come on, let's follow him.
21 Let's see -- let's see what he's doing. So I was like, okay.
22 So we went into the store, and she waited until Michael came
23 out, and she's like, let's go see. Let's go see. And then we
24 went into the back, and he had hung up, like, a fundraiser
25 poster for something completely not related. And she was like,

1 oh, he's -- he's one of the Union people, you know? It was
2 like, I know that, but how do you know that? Like, I've never
3 even met you before. Then another time -- oh, I don't even
4 remember her name. I think it was Krista Drake (phonetic) was
5 her name, and --

6 Q Who is she?

7 A Like, logistics, I think, but she asked me what Nina's
8 problem was. And I was like, what do you mean? And she said,
9 she seems like she doesn't like us being in here. I was like,
10 no, her boyfriend just tried to commit suicide a couple weeks
11 ago, so she's having a rough time, you know. I don't think
12 it's you. And she said, well I -- I mean, she has a bad
13 attitude. And I forget -- I don't remember who said it, but
14 somebody else had pointed out to me, I think his name was Adam
15 (phonetic), that Nina was a Union person, but I -- I don't
16 remember, so.

17 Q Okay. David, prior to August 2021, how did you hire
18 people at Transit Commons?

19 A Oh, I would do some recruiting, depends, you know, maybe
20 Indeed ad, but then, you would set up interviews --

21 Q Would -- would you set up the interviews?

22 A Oh, yeah. Absolutely.

23 Q Tell me what you specifically would do.

24 A What's that?

25 Q What you would do. Your practice.



1 A Yeah. I would set up an Indeed ad to try to get traction.
2 And then I would funnel those people to our main website to
3 apply and set up interviews with them. Check their background,
4 like a reference check, not like a -- a background check. And
5 you know, then I would recruit. So you're kind of always
6 looking at what your staffing is, so you know, okay, how many
7 people do I need to hire because school is starting soon, so
8 business is going to get busier, you know, and we need to hire
9 for that.

10 Q Did there come a time when the hiring process changed?

11 A Oh, yeah.

12 Q When was that?

13 A It -- immediately. Like the -- as soon as we had that
14 call where Allyson told us we weren't to standard, they said
15 that Tori and Corey, I don't know their last names, Tori and
16 Corey were going to take over hiring for the district because
17 some of the stores were grossly understaffed.

18 Q How -- prior to August of 2021, how was training done at
19 Transit Commons?

20 A I would set someone up with a training schedule over the
21 course of two weeks. So I would set them up for training,
22 let's say, just for example, on the oven for like two, three
23 hours, and then the -- the rest of their two, three hours that
24 day would be practicing whatever they learned the day before.
25 So I would do that consistently, and at the end of it, we would

1 do kind of an evaluation, skill checks, I think they're called,
2 to see where the partner's at, and their capability, and then
3 give them guidance on where they needed to improve. And then
4 we would continue training after training by putting them where
5 they're really good during the busier times of the day, and
6 having them go where they're -- they're weaker during the
7 slower times of the day, so they got stronger.

8 Q Did that -- did the training process at your store ever
9 change?

10 A Yeah. When they took the hiring away, they also took the
11 training away. So training, they said, was going to be
12 centralized at I want to say two different locations. I know
13 Walden Anderson was one of them.

14 Q Did -- were there any employees that started working at
15 your store after that change took place?

16 A Yeah. Yeah. We had a couple of them. Two or three.
17 They --

18 Q And how were they as new employees?

19 A Oh, they -- I mean, I'm -- it was horrible. I -- I felt
20 horrible for them. So they -- they went through kind of a
21 condensed trained because they were trying to --

22 MS. POLITO: Objection. He answered the question.

23 JUDGE ROSAS: Next question.

24 Q BY MS. STANLEY: What -- what -- what -- what did you
25 observe about their skills?

1 A They weren't capable of really anything, and they just
2 weren't capable.

3 Q What did you do with them?

4 A I put them back through training.

5 Q Prior to August of 2021, were you allotted specific labor
6 hours for your store?

7 A Yeah.

8 Q Did the labor hours you were allotted ever change?

9 A Oh, yeah.

10 Q When did that happen?

11 A Well, it changed twice. The first time was just before
12 2020. All of a sudden, we -- we started earning much less
13 labor than we used to earn. Nobody could answer why that
14 happened. Then the second time was right -- I mean, within a
15 week or two of the first union call. It was dumbfounding. I
16 opened my weekly labor recap, which is the report you use to
17 forecast your labor, and we went up 60 hours a week in our
18 forecast. So they gave us an additional 60 hours a week all of
19 a sudden, which was great.

20 Q How long did that last?

21 A The entire time that I was at Starbucks.

22 Q Did any of the -- did anyone talk -- say why that change
23 happened?

24 A No, we never had an -- an explanation to it.

25 MS. POLITO: Objection. He answered the question.

1 JUDGE ROSAS: Sustained.

2 Q BY MS. STANLEY: Was Transit Commons ever remodeled in
3 your time working there?

4 A Yeah. It was, actually, just before I got there. You
5 know, maybe a couple of months before, and then they set up
6 another remodel --

7 MS. POLITO: Again, I don't want to be rude interrupting
8 the witness, but --

9 JUDGE ROSAS: The answer is yes.

10 MS. STANLEY: I mean, the question is was it ever.

11 JUDGE ROSAS: The answer is yes. The rest is stricken.
12 So I have to -- she objects, and I have to strike anything
13 after the answer that literally responds to the question. If
14 there is more, perhaps, to be provided, it would have to come
15 as a result of a question from the General Counsel, okay?

16 THE WITNESS: Sure.

17 Q BY MS. STANLEY: When was the first time, to your
18 knowledge, that Transit Commons was renovated?

19 A Like, maybe a month or two before I got there.

20 Q And was it ever renovated again, to your knowledge?

21 A Yes.

22 Q When was that?

23 A The -- they set up a remodel for December of 2021.

24 Q And what happened during that remodel? What was changed?

25 A A lot of stuff. Mostly cosmetic. You know, new walls,



1 floors, patio, stuff like that.

2 Q How long was the store closed for during that December
3 2021 remodel?

4 A I want to say two weeks.

5 Q Did you talk to anyone about that remodel? Anyone from
6 corporate?

7 A Yeah. MK.

8 Q What did you say?

9 A I asked her to move it to January or February because the
10 partners -- should I say that part?

11 Q Yeah. Why did you -- why did you ask her that?

12 A Okay. The partners were upset because it was December,
13 and it -- it's their best tips for the year, and they were
14 worried about having to go to another store. Some of them
15 couldn't get to other stores because of transportation, and
16 they were worried about deleting tips at other stores, and
17 hurting partners at other stores that were going to lose
18 Christmas tips.

19 Q And what did MK say when you talked to her about it?

20 A She said she'd look into it, and then she said that it --
21 it was a firm no. They could not move it.

22 Q Are you familiar with Starbucks' dress code policy?

23 A Yeah.

24 Q Prior to the campaign starting, how -- how did you enforce
25 that policy at your store?

1 A If anything was on the no list on the dress code, we would
2 enforce it. You know, send somebody home to change. You know,
3 I never had to write anybody up over dress code. You would
4 have go over it when you hired somebody in their orientation,
5 and people pretty much stuck to it.

6 Q Did your enforcement of the dress code at your store ever
7 change?

8 A No, I wouldn't say mind did.

9 Q Okay. Are you familiar with Starbucks' sick leave policy?

10 A Yeah.

11 Q Did that policy ever change in your time working there?

12 A Yeah. They increased it so that you earned more sick
13 time.

14 Q Did they -- you ever have a conversation with anyone from
15 corporate about the sick time policy?

16 A Yeah. I mean, as it related to the Union --

17 Q Okay. And who --

18 A -- because they were trying to understand why there were
19 so many call outs.

20 Q Who did you talk to?

21 JUDGE ROSAS: Sustained. You -- you objected, right?

22 MS. STANLEY: She didn't.

23 MS. POLITO: I didn't even get it out, but --

24 JUDGE ROSAS: That's what I heard.

25 MS. STANLEY: I was reworking it anyway already.



1 Q BY MS. STANLEY: David, who did you have that conversation
2 with?

3 A I want to say Deanna and -- Deanna and Emily.

4 Q And what did they say during that conversation about sick
5 time?

6 A Well, the partners that were kind of unionizing were upset
7 because there just wasn't --

8 Q Well, just tell me what they said.

9 A Okay. They didn't think we were holding people
10 accountable for calling out, and that we were letting people
11 call out too much.

12 Q When someone calls out for being sick, do they get written
13 up?

14 A No.

15 MS. POLITO: Objection. He can talk to his specific
16 knowledge as to whether he's done that, but not in general.

17 JUDGE ROSAS: That's how I understood it.

18 MS. STANLEY: Yeah.

19 A Yeah. No, I wouldn't write somebody for being sick, as
20 long as they're using protected sick times, which they always
21 were.

22 Q Were you ever told to do something differently than what
23 you were doing?

24 A Yeah, they said --

25 Q Who --

1 A -- if somebody didn't --

2 Q Who told you? Who told you this?

3 A I want to say Deanna again.

4 Q And what did she say?

5 A If somebody -- even if they use their protected sick time,
6 if they were showing kind of like a history of calling out a
7 lot, that we should track that, and we that could sit down and
8 use that to let them go, because it -- it -- it showed that
9 they weren't capable of getting in to work. But they did
10 change that. Then they said not to do that.

11 Q David, why did you leave Starbucks?

12 A Because they made my life a nightmare.

13 Q In what way specifically?

14 A They -- it was like throwing a -- a bomb into the store
15 every other day. Any day I was off, all of a sudden, people
16 would show up and cause chaos. And the partners would all be
17 upset on the day I came back. You know, I would have to put
18 out fires. MK's extremely disrespectful to the -- to people
19 that she calls partners. It was a horrible work environment.

20 Q Did you -- when did you put in your notice?

21 A Geez. I don't know. The maybe first week of December. I
22 gave them four weeks' notice because that's -- salaried
23 managers should do that.

24 Q And did you have any meetings with your district managers
25 prior to putting in your notice?



1 A Yeah. I had a lot of meetings with them.

2 Q Did you ever talk to any employees about why you were
3 leaving Starbucks?

4 A Yeah. They knew what I was going through.

5 Q Did you --

6 A I -- I was pretty open with partners.

7 Q Which partners specifically did you have a conversation
8 with about it?

9 A Cassidy Noman (phonetic), Javier Filipowski, Rachel,
10 Michael Sanabria.

11 Q What did you tell Michael?

12 A I didn't want to do illegal stuff. I -- I didn't want to
13 be asked to do illegal things. I didn't feel comfortable about
14 what was happening. And I've worked my entire life to build up
15 a career of integrity, and I was not going to allow Starbucks
16 to take that from me.

17 Q Did you tell Michael what specific things you didn't want
18 to do?

19 A I told him I don't want to spy on partners. I don't want
20 to keep track of, like, who was in the Union, and I don't want
21 to hear about it from people. And I don't want to be combative
22 like this. It's not what I -- I signed up for.

23 Q Did you work out the four weeks of your notice?

24 A Oh, no.

25 Q Why not?

1 A They came in and told me, go home. And they're -- they
2 were nice about it. They said, you know, we appreciate you put
3 your time -- your notice in, but we're going to ask you to stay
4 home. And we'll pay you for that time, but we don't -- we
5 don't want you in here.

6 Q Who told you that?

7 A You don't have to come in.

8 Q Who told you that?

9 A MK and -- I don't remember his name. Some other guy I
10 never met before.

11 MS. STANLEY: I have nothing further for this witness at
12 this time, Your Honor.

13 JUDGE ROSAS: Charging Party.

14 **CROSS-EXAMINATION**

15 Q BY MR. HAYES: David, you testified about a meeting where
16 MK talked about changing the way store managers handled
17 schedules in the store. Do you remember that?

18 A Yeah.

19 Q About when was that meeting?

20 A Well, I think you mean Michaela, not MK.

21 Q Well, correct me if I'm wrong. I think you testified
22 about MK talking about scheduling or putting 40 hours on the
23 schedule for you.

24 A Oh, yeah.

25 Q Remember there was a separate conversation with Michaela;



1 is that correct?

2 A Right. Yeah, I'm sorry.

3 Q Okay. So let's --

4 A What was the question?

5 Q Hold on. Let's just talk about the first one first. The
6 meeting where MK said that -- about when did that happen?

7 MS. POLITO: I'm going to object. I'm not clear that --
8 who said what at what time. So if there's a general question
9 about what MK said and what time, I'm okay with that.

10 MR. HAYES: That was the question.

11 JUDGE ROSAS: Overruled.

12 A I'm honestly not sure what the -- the date was. It wasn't
13 too long until the Union starting to organize in September,
14 though.

15 Q BY MR. HAYES: Could it have been in September?

16 A It could have because, if I remember right, we had talked
17 about, you know, what happens if there's a protest, and legal
18 rights and stuff. And that was in the same meeting. I think
19 that was in September, but I -- I don't know exactly.

20 Q And how frequently were you having meetings about the
21 Union?

22 A It would come up on every Monday call. We would have
23 regular Monday calls with MK and Michaela, so it was always
24 a -- a topic. And then there were all sorts of last-minute
25 videoconference calls that would get thrown at us. I mean,

1 there were a lot of them.

2 Q All right. Could you approximate how often video calls
3 got scheduled, in -- in addition to the weekly Monday calls?

4 A Jeez. I mean, no, I couldn't, because they were just --
5 they were out of nowhere, and there were a lot of them.

6 Q Okay. And how long did the -- that go on for?

7 A The whole rest of the time I was at Starbucks.

8 Q So you testified about a conversation you had with
9 Michaela about managers being in the store during all
10 operational hours. You remember that?

11 A Yes.

12 Q Had you ever been given a directive to do that before
13 August of 2021?

14 A No. No.

15 Q You testified about Mary having a list of Union supporters
16 in the Transit Commons stores. Remember that?

17 A Yeah.

18 Q Did she say how she got that list?

19 A No. It was in her personal notebook that she had written.

20 Q Okay. So was it your understanding that she created it?

21 A Yeah.

22 Q Did she say how she created it?

23 A No.

24 Q You testified about a couple of conversations you had
25 with -- is it Dimas? Is that right?

1 A Um-hum.

2 Q About, I have four workers in your store and potential
3 discipline issues with them -- do you remember testifying about
4 that?

5 A Yeah.

6 Q And those four workers were Georgia, Nina, Noel, and
7 Cassidy?

8 A Yes.

9 Q Okay. Were these -- were all four of those people on
10 Mary's list of Union supporters?

11 A Yes.

12 Q Did Dimas ever talk to you about reasons to discipline
13 anyone who wasn't on Mary's list of Union supporters?

14 A No.

15 Q Did MK ever ask you that?

16 A No.

17 Q The conversation you described with Dimas about
18 disciplining Georgia for having the wrong color pants --

19 A Yeah.

20 Q -- was that a change in enforcement of the dress code?

21 A No, I think the dress code -- purple would be off color
22 palette. But when you look at the, like, pants section of it,
23 it doesn't say anything about the color of pants. I mean, it's
24 certainly not something I would ever write somebody up for.

25 Q Why wouldn't you write someone up for that?

1 A It's ridiculous.

2 Q Why?

3 A It has nothing to do with how they interact with customers
4 or do their job.

5 Q So if -- before August of 2021, if you saw someone with
6 purple pants on, would you do anything?

7 A No. I -- the purpose of progressive discipline is to
8 change a behavior that is impeding your business. You're not
9 going to -- you're not going to write somebody up for having
10 purple pants on. Like, nobody's buying less lattes because
11 someone has purple pants on.

12 Q Would you take any action other than writing someone up
13 for wearing purple pants, as an example?

14 A No. If it was on the "no" list -- there's a list of "no"
15 items for dress code -- then we would absolutely address it.
16 And there were times we had to have people remove nail polish
17 or were sent home to change. But no, not purple pants.

18 Q Okay. So in the times where you had someone remove
19 something or you sent someone home --

20 A Um-hum.

21 Q -- first of all, you're talking about before August of
22 2021?

23 A Yeah.

24 Q Okay. In those times, did you write someone up in
25 addition to taking the action of having them remove it or

1 sending them home?

2 A No. If it happened more than once, that would have led to
3 a write-up. If it happened the first time, the -- it's always
4 coach and change behavior, right? And then if it -- it's a
5 repeated pattern, then there's progressive discipline. That's
6 when write-ups come into play.

7 Q So when Dimas talked to you about Georgia having the wrong
8 color pants, had there been a pattern of her wearing the wrong
9 color pants before that?

10 A No, and Dimas should have written her up himself if that
11 was a concern, because she wasn't wearing purple pants when I
12 was there. So you know, I'm not usually going to walk up to
13 her and say, two weeks ago, I was on vacation, you were wearing
14 purple pants, like, Dimas says. So --

15 Q Okay. You testified a couple minutes ago about the
16 factors that led to your resignation. Do you remember
17 describing that?

18 A Yeah.

19 Q Did those factors exist before August of 2021?

20 A No. No, I loved Starbucks before the Union stuff started.
21 It was amazing. I actually loved my job there. I loved
22 everything about it.

23 MR. HAYES: All right. Nothing further.

24 MS. STANLEY: I've got one affidavit --

25 JUDGE ROSAS: Off the record.

1 (Off the record at 10:37 a.m.)

2 JUDGE ROSAS: Respondent, cross?

3 **CROSS-EXAMINATION**

4 Q BY MS. POLITO: Good morning, Mr. Almond.

5 A Good morning.

6 Q During the calls that you had with Starbucks relating to
7 Union activity, you were never told in those calls to treat
8 anyone differently because of their Union activity, correct?

9 A Correct.

10 Q And you were never told to discipline anyone because of
11 their Union activity during those calls, correct?

12 A Correct.

13 Q Would you agree that it was a stressful time in the fall
14 of 2021?

15 A Fall or specifically at work?

16 Q At work. At -- at work. Sorry.

17 A Yeah. Yeah, when the changes happened at work.

18 Q And the changes you refer to are the Union activity that
19 was occurring?

20 A Yeah, all the Starbucks people that would randomly show up
21 at the store.

22 Q And those would be the corporate people?

23 A Yeah.

24 Q And you told us earlier that one -- two of those people --
25 either Deanna Pusatier or Emily Filc told you that the Buffalo

1 market was not to standard. Do you remember that testimony?

2 A Yeah, I think it was Allyson Peck that said that.

3 Q And wouldn't you agree that the stores in the Buffalo
4 market were not to standard in -- in September of 2021?

5 MS. STANLEY: Objection. Calls for speculation beyond his
6 store.

7 JUDGE ROSAS: Foundation?

8 Q BY MS. POLITO: Would you agree that your store was not up
9 to standard in September of 2021?

10 A No.

11 Q Would it surprise you that some of the partners have
12 already testified in this hearing that your store was in fact
13 not up to standard?

14 A Yeah, I would be surprised.

15 Q Would it surprise you that Mr. Higgins testified in this
16 courtroom that Transit Commons was in a state of disrepair in
17 the fall of 2021?

18 MS. STANLEY: Objection. There has been no testimony --

19 JUDGE ROSAS: Sustained.

20 MS. STANLEY: -- from anyone named Higgins.

21 JUDGE ROSAS: Sustained.

22 MS. POLITO: There's been no testimony from Mr. Montanye?

23 MS. STANLEY: Oh. Sorry?

24 MS. POLITO: Is that mine?

25 Sorry, Judge. I don't know -- sorry. This is the world

1 of technology that we get our calls through our computers now.
2 Sorry about that.

3 MS. POLITO: Let me ask the question again. Mr. Montanye
4 changed his last name.

5 JUDGE ROSAS: Oh, okay.

6 MS. POLITO: I apologize.

7 MS. STANLEY: That's right. Thank you. Sorry.

8 MS. POLITO: Nope. That's okay. My fault.

9 Q BY MS. POLITO: Would it surprise you that Mr. Montanye
10 testified that Transit Commons was in a state of disrepair in
11 the fall of 2021?

12 A We scored almost perfect on an audit around that time, so
13 yeah, I would be surprised.

14 Q On a facilities audit?

15 A Yeah, the corporate audit.

16 Q When was that?

17 A Just before the Union stuff started.

18 Q In August of 2021?

19 A Could be.

20 Q But you testified on direct examination that the repairs
21 were not being done at your store. Do you remember that
22 testimony?

23 A Yeah.

24 Q And you testified that you had to wait for at least six
25 months, prior to August of 2021, to get repairs done. Is that

1 correct?

2 A Right.

3 Q Yet you said that your audit was good?

4 A Almost perfect.

5 Q Did you take a picture of Mr. Sanabria in August of 2021,
6 wearing a Union pin?

7 A No.

8 Q Are you aware that the third amended complaint, which is
9 being litigated in this courtroom, alleges that you improperly
10 took a picture of Mr. Sanabria?

11 MS. STANLEY: Objection. Relevance.

12 A No.

13 JUDGE ROSAS: Sustained.

14 MS. POLITO: Judge, may I be heard? There's a specific
15 allegation in the complaint against this individual regarding
16 that photograph.

17 JUDGE ROSAS: I understand. Let's not get -- drag the
18 witness into the pleadings. Just ask it every -- every which
19 way you can, Counsel.

20 Q BY MS. POLITO: You were never directed to take a
21 photograph of anyone wearing a Union pin; is that correct?

22 A Not that I remember.

23 Q You were told by Starbucks officials during your calls
24 that employees were in fact allowed to talk about unionizing
25 with each other, correct?

1 A Yes.

2 MS. POLITO: Nothing further, Judge.

3 JUDGE ROSAS: Redirect?

4 MS. STANLEY: Just super briefly, Your Honor.

5 **REDIRECT EXAMINATION**

6 Q BY MS. STANLEY: David, when did Kellen Higgins or
7 Montanye -- when did -- when did that person work at Transit
8 Commons, to your knowledge?

9 A He was there when I took over, and I -- I want to say he
10 was there for a couple years. Then he transferred to Elmwood
11 to be closer to home and the hospital where he was interning.

12 Q Do you remember when he transferred?

13 A I do not.

14 Q Do you remember if it -- what year it was in?

15 A I don't.

16 Q Okay.

17 MS. STANLEY: I have nothing further.

18 MR. HAYES: No questions here.

19 JUDGE ROSAS: Any follow-up?

20 MS. POLITO: No, Judge.

21 JUDGE ROSAS: All right. Sir, your testimony's concluded.
22 Do not discuss your testimony with anyone until you're advised
23 otherwise by counsel, all right?

24 THE WITNESS: Okay.

25 JUDGE ROSAS: Have a good day.



1 THE WITNESS: Thank you.

2 JUDGE ROSAS: Off the record.

3 (Off the record at 11:13 a.m.)

4 JUDGE ROSAS: Next witness.

5 MS. STANLEY: The General Counsel calls Victoria Conklin.

6 JUDGE ROSAS: Raise your right hand.

7 Whereupon,

8 **VICTORIA CONKLIN**

9 having been duly sworn, was called as a witness herein and was
10 examined and testified as follows:

11 JUDGE ROSAS: All right. State and spell your name.

12 Provide us with an address.

13 THE WITNESS: Victoria Conklin. It's V-I-C-T-O-R-I-A
14 C-O-N-K-L-I-N. And my address is 218 Central Avenue, apartment
15 number 2, in Lancaster, New York.

16 JUDGE ROSAS: Try to keep your voice up.

17 THE WITNESS: Okay.

18 **DIRECT EXAMINATION**

19 Q BY MS. STANLEY: Hi, Victoria.

20 A Hi.

21 Q First of all, what are your pronouns?

22 A She/her.

23 Q And are you familiar with Starbucks Corporation?

24 A Yes.

25 Q How are you familiar with Starbucks?



- 1 A I used to work for them.
- 2 Q When did you work for Starbucks?
- 3 A June of -- June 2017 through June 2022.
- 4 Q What store did you work at when you started at Starbucks?
- 5 A I started at the Walden Galleria kiosk.
- 6 Q Did you ever work at any other store?
- 7 A Yes.
- 8 Q What store?
- 9 A I transferred to the East Robinson location.
- 10 Q When did you transfer to East Robinson?
- 11 A March 2021.
- 12 Q Why did you transfer to East Robinson?
- 13 A My manager at the Galleria was asked to open a new store
- 14 at the East Robin -- the East Robinson store, and she asked me
- 15 to go with her.
- 16 Q What was your job position when you worked at East
- 17 Robinson?
- 18 A I was a shift supervisor.
- 19 Q Are you familiar with Workers United?
- 20 A Yes.
- 21 Q And are you familiar with the Starbucks Workers United
- 22 organizing committee?
- 23 A Yes.
- 24 Q How are you familiar with the organizing committee?
- 25 A I'm in it.

1 Q When did you join the committee?

2 A January of 2022.

3 Q After you joined the organizing committee, did you express
4 any support for the Union while at work?

5 A Yes.

6 Q What about before you joined the organizing committee?

7 A No.

8 Q When you did start expressing support, how -- what form
9 did that take?

10 A I wore a pin on my apron. I would talk to my coworkers
11 about organizing. And I also told my store manager at the time
12 that I was supporting the Union.

13 Q Who was your store manager at the time?

14 A Keta Clark.

15 Q When did you tell her that?

16 A January of 2022.

17 Q When you first went to East Robinson, who was the store
18 manager?

19 A Kayla Moore.

20 Q And did there come a time when she stopped being store
21 manager?

22 A Yes.

23 Q When was that?

24 A August 2021.

25 Q And who took over after her?



1 A Keta Clark.

2 Q And how long was Keta Clark the store manager?

3 A From August 2021 to around April of 2022.

4 Q And after Keta Clark, who was the store manager?

5 A Josie Havens.

6 Q Was Josie Havens the store manager at the time you left
7 Starbucks?

8 A Yes.

9 Q Prior to January of 2021, how was your relationship with
10 Keta Clark?

11 A It was good. We were very close at the time.

12 Q Did you have any conversations with Keta Clark in the fall
13 of 2021?

14 A Yes.

15 Q Did the Union ever come up?

16 A Yes.

17 Q What was said about the Union in those conversations?

18 A We would talk about, like, if a new store filed, and we'd
19 talk about not wanting the Union to come to East Robinson. At
20 one point, she suggested that we not allow any sort of Union
21 partners to take shifts at East Robinson because we were scared
22 that they would be trying to talk to our workers about the
23 Union, and we didn't want that.

24 Q Where did those conversations you had with Keta Clark take
25 place?



1 A Usually, on the floor. She would -- we had these, like,
2 chairs at the end of the bar. And I would just kind of -- she
3 would sit there and do her little manager work, and I would
4 just kind of walk over and talk to her.

5 Q What time frame did these conversations occur in?

6 A Usually, early afternoon.

7 Q What time of -- like, what time frame --

8 A Oh.

9 Q -- months-wise?

10 A Usually, like, maybe, like, 15, 20 minutes. I'm sorry if
11 I'm not understanding the question.

12 Q What -- when did those conversations start?

13 A Oh. It started right after the Elmwood store went public,
14 so around the end of August.

15 Q When did you stop having those conversations with Keta?

16 A January 2022.

17 Q In those conversations, do you recall any specifics of
18 what Keta Clark would say?

19 A She would -- she asked me for updates on the two partners
20 at our store that openly supported the Union. She would say
21 that she didn't want, like, those Union people coming to our
22 store. And then just generally, like, how bad the Union was.
23 Just kind of things like that.

24 Q Did she ever ask you about specific employees at your
25 store?

1 A Yes.

2 Q Who did she ask you about?

3 A Kayla Sterner and Nathan Tarnowski.

4 Q Do either of them work for Starbucks at this point, to
5 your knowledge?

6 A No.

7 Q How often would you have those conversations with Clark?

8 A Once a week, I would say.

9 Q Did there come a time when your relationship with Keta
10 Clark changed?

11 A Yes.

12 Q When was that?

13 A January 2022.

14 Q What changed about your relationship?

15 A I told her that I was going to just start supporting the
16 Union, and then a coworker of mine was fired for sexually
17 harassing me and a few other partners.

18 Q When did you tell Keta Clark that you were going to start
19 supporting the Union?

20 A Within the first two weeks of January. I'd gone to the
21 Elmwood picket line. And the next day at work, I came, and I
22 had my Union pin on. And I told her.

23 Q What did you tell her?

24 A I just told her that I was going to start wearing the pin,
25 that I was supporting the Union, and that it was because of

1 Starbucks' COVID policies and not because of her management.

2 Q Did she respond when you said that?

3 A She just said, okay, and walked away and didn't really
4 talk to me for the rest of the day.

5 Q Was your store ever assigned a support manager?

6 A Yes.

7 Q When was that?

8 A We got our first one in, I would say, September of 2021.

9 Q Who was that first one?

10 A Her name was Amber.

11 Q Prior to Amber, had your store ever had a support manager?

12 A No.

13 Q What about any other Starbucks store you worked at?

14 A No.

15 Q And how long did Amber stay at your store?

16 A She was only there for a few weeks.

17 Q And were you assigned any other support managers after
18 that?

19 A Yes.

20 Q Who was the next one?

21 A Adrien Morales.

22 Q How long did Adrien stay at your store?

23 A A few months. He left at the end of January 2022.

24 Q Do you know when he started in your store?

25 A September 2021, I would say.

1 Q What about anyone else in addition to Adrien?

2 A Yes. A few months after Adrien left, we got Josie.

3 Q And is that Josie who is currently store manager?

4 A Yes.

5 Q What kind of work did you observe the support managers
6 doing in the store?

7 A They would be on the floor with us. They would take
8 things out of backroom and rearrange them. They would help us
9 plan community events, and just, like, whatever we needed them
10 to do, they would do.

11 Q At that time, when the support managers were in your
12 store, what kind of hours were you working?

13 A I was mostly a closer, and I was working about 35 to 40
14 hours a week.

15 Q At that time, what kind of hours did your store manager,
16 Keta Clark, work?

17 A She worked 7 to 4.

18 Q How do you know that?

19 A There's printout schedules in the back, where you can see
20 every single partner's schedule for the entire week. And then
21 there's a clipboard that the shift supervisor on has, and it
22 just has the printout for that day that shows everybody that's
23 working that day schedules.

24 Q What kind of hours would the support managers work, to
25 your knowledge?

1 A They would work a lot of -- like, a lot, but they would
2 mostly work the night shift. Adrien closed with us more times
3 than I can count.

4 Q In the fall of 2021, how frequently did you see a support
5 manager working while you were scheduled to work?

6 A Almost every day.

7 Q Prior to September of 2021, how many managers were
8 typically present in your store at any given time?

9 A One.

10 Q What about after September 2021?

11 A It was at least one or two.

12 Q After the Transit -- after East Robinson store opened, did
13 it ever close for any reason, to your knowledge?

14 A Yes.

15 Q When was that?

16 A We closed in October, I believe, for our first store
17 reset.

18 Q And on -- when that happened, how long was the store
19 closed for?

20 A The entire day.

21 Q Did you work that day?

22 A Yes.

23 Q What happened during that day?

24 A There were -- a bunch of corporate people came in, and
25 they had little printout schematics of, like, the way a

1 Starbucks store should be set up. And they had a group of us
2 come in, and we took everything out of the backroom, deep
3 cleaned everything, and then put everything back, organized
4 according to their schematics.

5 Q Were there any other times the store was closed?

6 A Yes. We had two more store resets after that.

7 Q When were those?

8 A I believe one was in February of 2022, and the other one
9 was in April of 2022.

10 Q And what happened during -- did you work during those
11 resets?

12 A Yes, I did.

13 Q What happened during those?

14 A The same thing as the first one.

15 Q As a shift supervisor, how familiar are you with the
16 training process in the stores?

17 A Very. You have to be a barista trainer before you can
18 become a shift supervisor.

19 Q Were you a barista trainer?

20 A Yes.

21 Q After East Robinson opened, how did you observe new -- new
22 employees being trained there?

23 A When we first opened, it would be one barista trainer
24 assigned to one new barista. And they would do, like, deep
25 dives into every single section at Starbucks. So it took, I

1 would say, like, a week and a half, two weeks. And they would
2 go over every single thing in the store together, and it was
3 just the two of them.

4 Q Did there come a time when you noticed a change to how
5 people were trained at your store?

6 A Yes.

7 Q When did you notice that?

8 A Fall 2021.

9 Q And what did you notice?

10 A Instead of having one barista and one barista trainer, it
11 was one barista trainer with at least two or three new
12 baristas. And then the training was really sped up, so I think
13 they only had five days. And those baristas that were trained
14 typically wouldn't stay at my store. They would go out to
15 other stores.

16 Q Would barista trainers do the training?

17 A Typically, yes.

18 Q Would anyone other than them do the training?

19 A Yes. At East Robinson, we had shift supervisors doing it.

20 Q Did you do any of the training of the new hires?

21 A I was supposed to have one pod, but I was exposed to
22 COVID. So I only did one day of training with them, but Adrien
23 let me keep the training bonuses.

24 Q After that first pod, were you assigned any other --

25 A No.

1 Q -- new trainees? Do you know who was assigned to train
2 them?

3 A Kayla Disorbo got a couple, and then Denasia Starks got
4 most of them.

5 Q How do you know that?

6 A Because they were either training on my shifts, or they
7 told me.

8 Q When East Robinson opened, what were the operational hours
9 of the store?

10 A 5 a.m. to 10 p.m.

11 Q Did those hours ever change?

12 A Yes, they changed twice.

13 Q When was the first time they changed?

14 A Winter 2021.

15 Q And how did they change?

16 A We started closing at 9 instead of 10.

17 Q When you worked at East Robinson, what was your
18 availability?

19 A It was completely open, except for Tuesday afternoons and
20 Sunday all day.

21 Q And in 2021, how many hours did you typically work a week?

22 A Between 35 and 40.

23 Q Did there come a time when that changed?

24 A Yes.

25 Q When was that?

1 A February 2022.

2 Q And how did your hours change then?

3 A I started getting scheduled about 25 to 30 hours a week.

4 Q Did anyone tell you why that was?

5 A Yes.

6 Q Who told you?

7 A Keta.

8 Q What did she say?

9 A She said that shift supervisors would no longer be
10 scheduled as baristas on shifts. We were only to be scheduled
11 for the shifts where we -- we were the keyholder.

12 Q And how was that different?

13 A Shifts have always been allowed to work barista shifts.
14 And so we had ten shift supervisor -- shift supervisors in my
15 store at that time. So usually, we would work about two or
16 three keyholder shifts a week, and the rest would be barista
17 shifts.

18 Q And how did that change impact your hours?

19 A My hours decreased.

20 Q Did they ever go back up?

21 A Yes, a little bit, but not to the 35-40 range I was in.

22 Q After the conversation you already talked about with Keta
23 Clark in January of 2021 (sic), where you said you were going
24 to support the Union, did you have any further conversations
25 with her?

- 1 A Yes.
- 2 Q When was the next conversation you guys had?
- 3 A At the end of January 2022.
- 4 Q Where did that conversation take place?
- 5 A In the backroom of my store.
- 6 Q Was anyone else there?
- 7 A No.
- 8 Q What happened during that conversation?
- 9 A Keta pulled me off the floor, and she told me that she
- 10 knew that I was trying to force my coworkers to walk out on
- 11 strike against her. And she also told me that she knew that I
- 12 was lying about being sexually harassed at work.
- 13 Q Were you trying to organize a strike against Keta?
- 14 A No.
- 15 Q Had you talked to any of your coworkers about a strike?
- 16 A Yes. Somebody --
- 17 Q Who had you -- who had you talked to?
- 18 A Denasia.
- 19 Q Why did you talk to Denasia about a strike?
- 20 A We were in the backroom, and she had been asking me
- 21 questions about the Union. And she asked me about East
- 22 Robinson going out on strike.
- 23 Q And what did you tell her?
- 24 A I told her that I didn't know enough about how a strike
- 25 would actually work and that I would have to ask somebody who

1 knew better, but that it wasn't a realistic possibility, I
2 thought, for our store.

3 Q In that conversation in -- in January, where you were in
4 the backroom with Keta Clark, did she say anything else?

5 A Just the stuff about me lying about being sexually
6 harassed.

7 Q Did you respond to that?

8 A Yes. I told her what that partner had done to me. And
9 then I was upset, so I was crying. And she told me --

10 Q And what -- what happened next?

11 A She told me that my emotions were making her uncomfortable
12 and that she didn't want to talk to me anymore.

13 Q Did you have any conversations with her again after that?

14 A Yes.

15 Q When was the next one?

16 A On Valentine's Day.

17 Q What happened on Valentine's Day?

18 A She had Elizabeth Poole from the NFB store come in.

19 Q Who -- what was Elizabeth Poole's title at NFB?

20 A She was a store manager.

21 Q And what happened?

22 A They pulled me off the floor and sat me down in the cafe.
23 And Liz said that she was there to explain some policy to me
24 because Keta was still new. And I said, okay. And Keta said
25 that she knew that I had been going around, talking badly about

1 her to my coworkers, and that I needed to stop gossiping about
2 her and trying to turn my coworkers against her.

3 Q Did you respond?

4 A Yes.

5 Q What did you say?

6 A I told her that I wasn't comfortable with the way that she
7 was speak -- or first I asked her if it was because I was an
8 open Union supporter now.

9 Q And what did she say?

10 A She said no.

11 Q And what did you say next?

12 A I said, I'm not comfortable continuing this conversation
13 with you, unless the district manager is there. And then I got
14 up and left.

15 Q And what happened after that conversation?

16 A I was crying, so I went in the backroom. And Liz followed
17 me to make sure I was okay.

18 Q And what did you say to Liz, if anything?

19 A I told her about the sexual harassment I had been re --
20 receiving at work and then that prior conversation with Keta,
21 and that I had reported to -- Keta to ethics and compliance.
22 And I asked if there was any room at Liz's store for me to
23 transfer to.

24 Q And what did she say?

25 A She said that her store was getting closed down for a

1 remodel, so it was impossible for me to transfer there, and
2 that it seemed like I had all of the resources that I need, if
3 I had already contacted ethics and compliance. So she asked if
4 I wanted to go home for the day, and I said, no. And I went
5 back to work.

6 Q Did you ever talk to your district manager after that
7 conversation?

8 A Yes.

9 Q Who did you talk to?

10 A Greta Case.

11 Q When did you speak to Greta Case?

12 A I had one conversation with her between the January
13 conversation with Keta and the February conversation with Keta,
14 and we just talked about, like, conflict resolution strategies,
15 because I told her that I was uncomfortable with Keta. And
16 then she came in, and we had a mediated conversation with Keta
17 after the Valentine's Day conversation.

18 Q When was that mediated conversation?

19 A About a week after Valentine's Day.

20 Q And who was present for that conversation?

21 A It was me, Keta, and Greta.

22 Q And where did that conversation take place?

23 A In the backroom.

24 Q What happened during that conversation?

25 A Before we had it, Greta had called me and told me that I

1 should bring a list of issues I was having with Keta, and that
2 we would go over it, like, point by point with Keta and try
3 and, like, come to a solution. So I just read off my list.
4 And Keta either didn't respond to me or would just say, duly
5 noted.

6 Q And what happened after you finished reading off your
7 list?

8 A The last thing I had mentioned on my list was that -- the
9 way that Keta talked to and about other shift supervisors made
10 me incredibly uncomfortable. And she started laughing and told
11 me that there was a lot of things she could get me in trouble
12 for, but that she was choosing not to, and I should be thankful
13 that she was choosing not to.

14 Q What happened after Keta said that?

15 A Greta stopped the conversation immediately and sent Keta
16 home for the day and then sat back with me in the backroom.

17 Q And what was the conversation you had with Greta at that
18 point?

19 A She said that she was going to investigate everything that
20 I had told her. And I asked if I could transfer to the
21 Williamsville Place location because I had a friend there, who
22 said that they were really short-staffed. She said that there
23 was no room anywhere in the district for me as a shift
24 supervisor, so I offered to demote back down to barista and
25 transfer. And she said there was still no room for me

1 anywhere.

2 Q Were you wearing your Union pin during any of those
3 conversations you talked about?

4 A No. I kept it on my apron, and I would take my apron off
5 before I sat down with them.

6 Q Were any other employees wearing their pins, to your
7 knowledge, at that time?

8 A I believe, in February of 2022, Kayla Disorbo started
9 wearing a pin, and so did Gianna Gallow (phonetic throughout).

10 Q Does the East Robinson store operate a drive-thru?

11 A Yes.

12 Q Does it operate a cafe, as well?

13 A Yes.

14 Q And do you guys take mobile orders?

15 A Yes.

16 Q As a shift supervisor, were you able, on your own
17 authority, to close the cafe ever?

18 A I had to ask a manager's permission, but I could lock the
19 cafe doors if I needed to.

20 Q And had you ever asked for a manager's position -- or
21 permission to close the cafe, prior to January of 2022?

22 A Yes, I think so.

23 Q And when you did that, what were you told?

24 A I just texted them and said, like, can I close the cafe,
25 we're really busy and really understaffed. And they said,



1 yeah, whatever you need. And I would just go do it.

2 Q And what about closing the drive-thru? Before January of
3 2021, had you ever needed to close the drive-thru?

4 A We did once because there was, like, a very small sinkhole
5 in the drive-thru lane, so we had to close it for safety
6 reasons.

7 Q What about mobile orders? Had you ever gotten permission
8 to disable mobile orders, prior to January 2022?

9 A Yes.

10 Q From who -- who had given you that permission?

11 A The -- the store manager, usually. But if I couldn't
12 reach them, I would just text Adrien, and he would do it for
13 me.

14 Q After January of 2022, did you ever close the cafe?

15 A Yes.

16 Q On what occasion?

17 A We had a lot of call-offs, and the night shift before had
18 gotten -- she had gotten physically sick while she was closing
19 the store. And so the close was really bad, and then we were
20 so under-staffed that it was just impossible to keep up with
21 the drive-thru and the cafe.

22 Q When was that?

23 A Early May 2022.

24 Q Did you ever ask about closing the cafe in February of
25 2022?

1 A Yes.

2 Q And what were you told?

3 A No.

4 Q After January of 2022, had you ever requested permission
5 to turn mobile orders off?

6 A Yes.

7 Q And what were you told?

8 A Usually, no. But we had to -- I would have to start,
9 like, texting the manager exactly what was going on on the
10 floor, how many people I had, what position they were in, whose
11 breaks I had to run. And then they would say yes or no, but it
12 was usually no.

13 Q Was that practice of texting that information different
14 than how it had been before January?

15 A Yes. Before January, I would just text them, like, hey, I
16 need the mobile orders off, and they would say, okay, they'll
17 be off, I'm turning them off now, it'll slow down.

18 Q Prior to -- prior to 2022, had you ever needed to leave
19 work early for any reason?

20 A Yes.

21 Q And what process did you follow for making that happen?

22 A I just called my store manager and told them I either had
23 an emergency or I was sick and I needed to go home, and they
24 would figure the rest out from there.

25 Q Prior to 2022, were you ever denied permission to leave



1 early?

2 A No.

3 Q Is there any instance in 2022 when you requested
4 permission to leave early?

5 A Yes.

6 Q When was that?

7 A March 2022.

8 Q And what happened that time?

9 A My grandfather has dementia. And he -- my mom was out of
10 town, and he texted my mom that he had called himself an
11 ambulance. And she texted me and asked if I could meet them at
12 the hospital. And so I contacted every shift at my store,
13 which was at that point all of the shifts at my store and then
14 the shifts from the NFB store, because we had combined stores
15 while they were closed. None of them could come in. Liz Poole
16 had already worked eight hours at my store. So I texted Keta
17 and asked her if she could come in for me.

18 Q And what did Keta say?

19 A That she was at a birthday party and that she wouldn't be
20 coming in, and I had to finish my shift.

21 Q Did you finish your shift that day?

22 A Yes.

23 Q If you need a tissue, you can open that.

24 A Thank you.

25 Q Vic, when you worked at East Robinson, was there a dress

1 code?

2 A Yes.

3 Q When the store first open, how was the dress code
4 enforced, to your observation?

5 A It was usually just if you were, you know, presentable,
6 and you had, like, clean clothes, a clean apron, closed-toed
7 shoes, no nails on -- that kind of thing.

8 Q And after Keta Clark became the store manager, how did she
9 enforce the dress code?

10 A She started to adhere to it a little more. So we couldn't
11 wear, like, graphic tees that would show out from under our
12 apron. But it was still pretty loose.

13 Q Did that ever change?

14 A Yes.

15 Q When?

16 A Around September or October of 2021.

17 Q And how did it change?

18 A We started to have to strictly adhere to the dress code.
19 A bunch of us, including me, had to go out and buy brand new
20 shoes. And then we were told as shifts that, if a barista who
21 we had already spoken to about their dress code came in out of
22 dress code, we had to send them home to change.

23 Q Who told you that?

24 A Keta Clark.

25 Q Who told you that you needed to adhere more closely to the



1 dress code?

2 A Keta.

3 Q Who talked to you about your shoes?

4 A Keta.

5 Q When was that?

6 A Around October or November of 2021.

7 Q Did Keta ever talk to you about the dress code again?

8 A Yes.

9 Q When was that?

10 A I think February of 2021. It was in the early winter of
11 that time.

12 Q Of what -- of what year?

13 A 20 -- or 2022. I'm sorry.

14 Q Where were you that -- that time in February?

15 A I was on the floor, behind the espresso machine.

16 Q And what did Keta Clark say?

17 A That my jeans were too light wash.

18 Q Was there anyone else around at the time?

19 A Yes.

20 Q Did you respond to Keta?

21 A Yes.

22 Q What'd you say?

23 A Denasia was standing right next to me, and she had on
24 lighter wash jeans than I did. So I asked Keta, if my jeans
25 were too light, if she was going to say something about

1 Denasia's, as well.

2 Q And did Keta respond?

3 A Yes.

4 Q What did she say?

5 A She told Denasia that -- she said, I guess your jeans are
6 a little light. And then she looked at me, and she said, don't
7 wear those to work again. And then she walked away.

8 Q When you worked at East Robinson, are -- were you familiar
9 with the Employer's COVID protocols?

10 A Yes.

11 Q In about March of 2022, what were the protocols?

12 A So the barista would come in, and I would meet them by the
13 pastry case, kind of front of the store. And I would take
14 their temperature with a temperature gun. I would ask them --
15 I had a little laminated sheet that had a bunch of symptoms of
16 COVID on it, and then I had to ask them if they had the
17 symptoms, while also looking them over to see if I could
18 observe any symptoms. And then they filled out a little
19 questionnaire on the iPad. They showed me that they passed the
20 iPad quiz. If they passed my little questionnaire, I would
21 sign the sheet, and they would be good to go.

22 Q In 2022, did you ever work while you were sick?

23 A Yes.

24 Q When was that?

25 A Sometime in March.



1 Q And what happened that time?

2 A I got a really nasty, like, respiratory infection, and I
3 had a -- like, a really bad cough. I had lost my voice.

4 Q And what happened when you went to work?

5 A I had tested negative for COVID, so since I had no
6 symptoms, I was allowed to work. And then I think I went home
7 one time because I really wasn't feeling well, but I mean, I
8 worked the rest of the illness.

9 Q Why did you stop working at Starbucks?

10 A I was fired.

11 Q When was that?

12 A June 22nd, 2022.

13 Q When you left, what was the status of the Union at your
14 store?

15 A It was -- I was fired six days after we won our Union vote
16 count.

17 Q Do you know Nathan Tarnowski?

18 A I do.

19 Q How do you know him?

20 A He was one of the baristas at East Robinson.

21 Q Does he still work there?

22 A No.

23 Q Why not?

24 A He was fired.

25 Q When was that?



1 A The end of March 2022.

2 Q Did Nathan being fired have an impact on organizing at
3 East Robinson?

4 MS. POLITO: Objection. I -- I don't know how she can
5 testify as to someone else's termination and the impact that
6 had on others.

7 JUDGE ROSAS: Rephrase.

8 Q BY MS. STANLEY: Did Nathan being fired have any impact on
9 your ability to organize at East Robinson?

10 A Yes.

11 Q What changed? What -- what happened?

12 A I found that it was a lot harder to get people to talk
13 about the Union on the floor, because people were telling me
14 that they were scared. And it was so scary to a lot of people
15 that we had to collect all of our Union cards digitally so that
16 they wouldn't be seen with a paper card.

17 Q Do you know whether your relationship with Keta Clark had
18 any impact on organizing at East Robinson?

19 A I believe so.

20 Q How do you know that?

21 A I had baristas who would, you know, text me and respond
22 and like, laugh at little, like, Union memes or jokes that I
23 would send them from Instagram. But then they would tell me
24 that they were too scared to wear the pin at work because they
25 had seen the way Keta was treating me, and they didn't want it

1 to happen to them.

2 MS. STANLEY: I have nothing further for this witness at
3 this time, Your Honor.

4 JUDGE ROSAS: Charging Party?

5 MR. HAYES: No questions, Your Honor.

6 JUDGE ROSAS: Off the record.

7 (Off the record at 12:00 p.m.)

8 JUDGE ROSAS: Respondent, cross?

9 **CROSS-EXAMINATION**

10 Q BY MS. POLITO: Good afternoon, Ms. Conklin.

11 A Hi.

12 Q When you first started working for Starbucks, did you sign
13 any partner guide?

14 A Yes.

15 Q And you had signed acknowledged receipt of the partner
16 guide?

17 A Yes.

18 Q And when you became shift supervisor, did you have
19 training to become a shift supervisor?

20 A Yes.

21 Q And what did that training consist of?

22 A There were videos that I had to watch and then
23 on-the-floor training with my store manager and the existing
24 shift team.

25 Q And where did you get -- do your shift supervisor training



1 at? Which store?

2 A The Galleria.

3 Q And who was your supervisor at the time?

4 A Kayla Moore.

5 Q And you testified earlier that you transferred to the East
6 Robinson store about March of 2021?

7 A Yes.

8 Q Is that correct?

9 A Yes.

10 Q And what was your process for transferring to the East
11 Robinson store?

12 A So Kayla had been asked. Then she left the store. And
13 then she asked me. And then, since the Galleria was a kiosk,
14 they had me planted at different stores for a couple weeks at a
15 time to learn how to work in a drive-thru and also how to,
16 like, be a shift supervisor in the drive-thru, because it was a
17 different process.

18 Q Did you ask to be transferred to the East Robinson store?

19 A I had expressed some interest, and then Kayla called me
20 and asked me.

21 Q Were you aware of the Union campaign in August of 2021?

22 A Yes.

23 Q Through the Dear Kevin letter?

24 A Yes.

25 Q And you became a supporter of the Union campaign in or



1 about November or December of 2021?

2 A Yes.

3 Q And then you became an organizing committee member; is
4 that correct?

5 A Yes.

6 Q Was that in January of 2022?

7 A Yes.

8 Q You started wearing a Union button in or about February of
9 2022; is that correct?

10 A It was about end of January, February, yeah.

11 Q And you testified earlier that you would wear that button
12 on your apron?

13 A Yes.

14 Q And then, in January of 2022, you also participated in a
15 picketing at the Elmwood store; is that correct?

16 A Yes.

17 Q You testified earlier that you had filed an ethics and
18 compliance complaint regarding a colleague; is that correct?

19 A Yes.

20 Q And that colleague was in fact terminated as a result of
21 an investigation into that complaint, correct?

22 A Yes.

23 Q And when was that termination?

24 A January 15th.

25 Q And the store manager at the time, Keta -- was she friends

1 with the individual that was terminated?

2 A Yes.

3 Q And did she express to you that she was upset that he was
4 terminated as a result of your complaint?

5 A Yes.

6 Q You testified on direct examination about a time when no
7 one could cover your shift. Do you recall that testimony?

8 A Yes.

9 Q I believe you testified that your grandfather was being
10 taken to the hospital?

11 A Yes.

12 Q And there was no one available to cover the shift; is that
13 correct?

14 A Yes.

15 Q And then you asked Keta if she could cover the shift, and
16 she also was not available; is that correct?

17 A Yes.

18 Q And as a result of no one being available, you had to
19 finish your shift; is that correct?

20 A Yes.

21 Q So you weren't really refused the opportunity to leave;
22 you just were not able to have coverage -- you couldn't find
23 coverage so that you could in fact leave the store that day; is
24 that correct?

25 MS. STANLEY: Objection. I think --

1 JUDGE ROSAS: What -- what's the basis?

2 MS. STANLEY: The difference between refusing and not
3 allowed to leave, I -- I think, is more of a legal conclusion
4 than this witness should -- should have to testify about.

5 MS. POLITO: That's what's alleged in the complaint,
6 Judge.

7 MS. STANLEY: Right, which is a legal --

8 JUDGE ROSAS: Can you answer that? Did you know?
9 You understand the question?

10 THE WITNESS: Could we try again and see if -- see if I
11 understand it better that way?

12 Q BY MS. POLITO: So you testified on direct examination
13 that you got a call --

14 A Um-hum.

15 Q -- from your mom that your grandfather was being taken
16 into the hospital.

17 A Um-hum.

18 Q And you also testified that you reached out to several
19 colleagues to see if you could get coverage for the remainder
20 of your shift. And you couldn't find anyone; is that correct?

21 A Yes.

22 Q Do you recall how long you had in your shift remaining?

23 A I believe it was three-and-a-half-ish hours.

24 Q And then you called your store manager, Keta, and you
25 asked her if she could cover the shift, correct?

1 A Yes.

2 Q And she said that she had a conflict because she was at a
3 birthday party, correct?

4 A Yes.

5 Q So no one could cover your shift that day, and you had to
6 finish that shift, correct?

7 A Yes.

8 Q No one refused you the opportunity to leave, correct?

9 MS. STANLEY: Yeah, and that's -- I object. I --

10 JUDGE ROSAS: No -- object to --

11 MS. STANLEY: To --

12 JUDGE ROSAS: -- no one refused the opportunity to leave?

13 MS. STANLEY: Right.

14 JUDGE ROSAS: What's the basis?

15 MS. STANLEY: She's already testified that she wasn't able
16 to leave.

17 MS. POLITO: Well --

18 MS. STANLEY: I don't know --

19 JUDGE ROSAS: I'll allow it. Overruled.

20 You said yes.

21 Next question.

22 MS. POLITO: Did she answer that question?

23 JUDGE ROSAS: I believe so.

24 Did you answer?

25 THE WITNESS: I'm --

1 JUDGE ROSAS: Go ahead.

2 THE WITNESS: -- confused. I'm sorry; I'm confused.

3 JUDGE ROSAS: Okay. So repeat the last question.

4 Q BY MS. POLITO: No one refused you to leave that day;
5 you -- you were just required to finish your shift because you
6 couldn't get coverage, correct?

7 A I suppose so, yes.

8 Q Correct, yes?

9 A Yeah, she --

10 Q And then did you go to the hospital after that? Were you
11 able to leave for the hospital after your shift?

12 A No, they already had -- they had a COVID policy in place
13 for one visitor, and my mom had gotten there by that time.

14 Q You testified earlier that, at the end of March 2022, that
15 Mr. Tarnowski was fired; do you recall that testimony?

16 A Yes.

17 Q And you said that people were scared --

18 A Yes.

19 Q -- in the store. Who was scared?

20 A There was a barista named -- so Maria Castavana (phonetic
21 throughout) and another barista, Juliette Roma (phonetic
22 throughout).

23 Q And what did Maria Castavana say to you that you concluded
24 that she was scared?

25 A She told me that she was afraid to wear the Union pin



1 because of what had happened to Nathan.

2 Q Did she tell you anything else?

3 A No, I -- no.

4 Q What did Julia Romana (sic) tell you that she was scared
5 of?

6 A Juliette Roma.

7 Q Juliette Roma, sorry.

8 A Sorry. She said that -- the same thing -- that she was
9 afraid to openly express the support for the Union because of
10 Nathan's firing.

11 Q Did she tell you what she meant when she said, openly
12 express support for the Union?

13 A No.

14 Q Had she been someone that was wearing a Union pin?

15 A No.

16 Q Did employees -- or did partners stop wearing their Union
17 pins after Nathan Tarnowski was fired?

18 A Maria did.

19 Q Did anyone else?

20 A I don't believe so.

21 Q Did you stop wearing your Union pin after Nathan was
22 fired?

23 A No.

24 Q Any other partners tell you that they were scared?

25 A Not that I can recall at this time.

1 Q You told us earlier that Ms. Case mediated a session with
2 you and your store manager; is that correct?

3 A Yes.

4 Q Did that only happen on one occasion?

5 A Yes.

6 Q Did you ever reach out to Ms. Case after that to talk
7 about any concerns you had regarding your store manager?

8 A No.

9 Q Why not?

10 A She went on a medical leave, and I never saw her again.

11 Q Ms. Case did?

12 A Yes.

13 Q Did you reach out to anyone else?

14 A Yes.

15 Q Who?

16 A Our new district manager.

17 Q Who was that?

18 A Tracie. I don't know her last name. I'm sorry.

19 Q When did you speak with Tracie?

20 A She came in in the beginning of March to our store.

21 Q March of 2022, right?

22 A Yes.

23 Q How many times you speak with Tracie?

24 A I think I spoke once or twice about Keta.

25 Q Is Keta still the store manager of the store?

1 A No.

2 Q When did she stop being store manager?

3 A Sometime in April, I believe.

4 Q And do you know why she stopped being store manager?

5 A No. They told us (b) (6), (b) (7)(C) , and then we just never
6 saw her again.

7 Q Who told you that (b) (6), (b) (7)(C) ?

8 A Josie.

9 Q And what's Josie's title?

10 A She was a support manager.

11 Q When did Josie stop being the support manager at the East
12 Robinson store?

13 A After Keta left, she started -- she was the interim store
14 manager. I don't know if that, like, changed the title or
15 anything.

16 Q How long did she stay on as interim store manager?

17 A I'm not sure.

18 (Counsel confer)

19 Q Mr. Tarnowski was fired in -- on March 30th of 2022?

20 A I believe so. I know it was at the end of March. I'm not
21 sure the exact day.

22 Q Were you present when he was terminated?

23 A Yes.

24 Q And then you testified earlier that East Robinson had a
25 vote to unionize sometime in June of 2022; is that correct?

1 A Yes.

2 Q Do you know what the date was?

3 A I want to say the 16th or 17th.

4 Q And -- and the store voted in favor of unionization,
5 correct?

6 A Yes.

7 Q And you were able to vote in that process?

8 A Yes.

9 MS. POLITO: That's all I have, Judge.

10 JUDGE ROSAS: Redirect?

11 MS. STANLEY: Just very briefly.

12 **REDIRECT EXAMINATION**

13 Q BY MS. STANLEY: Vic, who was the store manager when you
14 were fired?

15 A Josie.

16 Q And when was that?

17 A June 22nd, 2022.

18 MS. STANLEY: I have nothing further.

19 MR. HAYES: No questions.

20 JUDGE ROSAS: Any follow-up?

21 MS. POLITO: No, Judge.

22 JUDGE ROSAS: Your testimony's concluded. Do not discuss
23 your testimony with anyone until you're advised that the case
24 is over, all right?

25 THE WITNESS: Okay.



1 JUDGE ROSAS: Have a good day.

2 THE WITNESS: Thank you. You, too.

3 JUDGE ROSAS: All right. Off the record.

4 (Off the record at 12:43 p.m.)

5 JUDGE ROSAS: General Counsel, next witness.

6 MS. STANLEY: The General Counsel calls Colin Cochran.

7 JUDGE ROSAS: Raise your right hand, sir.

8 Whereupon,

9 **COLIN COCHRAN**

10 having been duly sworn, was called as a witness herein and was
11 examined and testified as follows:

12 JUDGE ROSAS: Loudly at all times, state and spell your
13 name. Provide provide with the address?

14 THE WITNESS: Colin Cochran. C-O-L-I-N, last name is
15 C-O-C-H-R-A-N. And 374 Elmwood Avenue, Apartment B.

16 JUDGE ROSAS: Buffalo?

17 THE WITNESS: Buffalo, New York.

18 **DIRECT EXAMINATION**

19 Q BY MS. STANLEY: What are your pronouns?

20 A He/him.

21 Q And are you familiar with the Starbucks Corporation?

22 A Yes.

23 Q How are you familiar with Starbucks?

24 A I've worked at Starbucks for over a year now.

25 Q What store do you work at?



- 1 A I work at the Walden and Anderson location.
- 2 Q Have you worked at any other stores as your home store?
- 3 A Walden's been my home store the whole time that I've
- 4 worked there.
- 5 Q And what's your job position?
- 6 A I'm a barista and a barista trainer.
- 7 Q How long have you been a barista trainer?
- 8 A I've been a barista trainer since late October, early
- 9 November of 2021.
- 10 Q Are you familiar with Workers United?
- 11 A Yes.
- 12 Q And are you familiar with the Starbucks Workers United
- 13 organizing committee?
- 14 A Yes.
- 15 Q How are you familiar with the organizing committee?
- 16 A I have -- I'm a member of it.
- 17 Q When did you join the committee?
- 18 A At the beginning of, like the -- the first meeting.
- 19 Q When was that?
- 20 A I think it was a year ago today.
- 21 Q Are you familiar with the August 23rd letter the committee
- 22 sent to Kevin Johnson?
- 23 A Yes.
- 24 Q Did you sign that letter?
- 25 A I did.

1 Q Did you show any Union support while at work at Walden
2 Anderson?

3 A Yes.

4 Q What have you done to do that?

5 A Well, I worked, and from the day that we went public on.
6 And I was, like, the main person at my store in talking to my
7 coworkers and getting cards out.

8 Q Prior to the start of the campaign, who was your store
9 manager?

10 A It was Jonathan Prime.

11 Q Is he still the store manager?

12 A No, he's not.

13 Q When did he leave the store?

14 A He left the store in -- in early September.

15 Q When he left, who took over as store manager?

16 A Well, immediately we had, like, kind of a transition from
17 Jonathan to Tito Santiago, who had been --

18 Q How long was -- how long was Tito the store manager?

19 A Well, he had been, like, support manager with Jonathan for
20 about a -- a couple of weeks at that -- at that point. And
21 then, Tito was kind of like the person left in charge for about
22 a week until Romalie Murphy came in.

23 Q And who was -- who was Romalie Murphy?

24 A She was a -- well, she was a store manager from Seattle.

25 Q And what did Romalie do in your store; what role did she

1 play?

2 A She became the store manager.

3 Q For how long?

4 A Through January of 2022, at least.

5 Q Who's the store manager now?

6 A Michaela Fascitelli.

7 Q How long has Michaela been the store manager?

8 A Michaela's been the store manager for a few months now.

9 Q Were there any interim store managers between Romilly and
10 Michaela?

11 A Yeah. So the main one was Amy.

12 Q Who was Amy?

13 A Amy was a store district manager from the -- from I
14 believe from Colorado.

15 Q How long did Amy stay at your store?

16 A So she had some overlap with Romilly. Amy -- Amy was
17 first at my store in October, I believe, when it was a training
18 store. She was running a lot of the training. And then she
19 stayed at my store through all of Romilly's tenure. And then
20 was like stepped up as store manager when Romilly left and
21 stayed for a few months after until the transition to Michaela.
22 Which I think would have been like March or April.

23 Q Were there any other support managers at your store during
24 that time?

25 A During that time, yeah. So kind of at the same time as



1 Romilly started, there was Chris, who only was there for a
2 week. He was a store manager from West Virginia. And he --
3 when my store was closed and we were being retrained, he -- so
4 Tito did like a week of that retraining, and then Chris was in
5 charge. And then after -- okay, and then during Amy's -- or
6 during the time, I believe, when Amy and Romilly were there,
7 but continuing after Romilly left, Fred came on. And Fred was
8 a -- I think he was in the role of support manager. But
9 he's --

10 Q How long did Fred stay at the store?

11 A A couple of months. And then we had --

12 MS. POLITO: Objection. He's answered the question.

13 JUDGE ROSAS: Next question.

14 Q BY MS. STANLEY: Prior to the campaign starting, who was
15 the highest-level Starbucks manager you saw in your store?

16 A The highest level one was our district manager, Shelby.

17 Q How often did you see Shelby in the time that you worked
18 at Starbucks prior to the campaign starting?

19 A Once.

20 Q After the campaign started, did you see Shelby in the
21 store?

22 A Yes.

23 Q How often?

24 A Nearly every time I worked

25 Q Until when?

1 A Until she was replaced by Mark as district manager.

2 Q After the campaign started. did you ever see anyone above
3 the level of district manager in your store?

4 A Yes.

5 Q Who did you see?

6 A A variety of people. So Allyson Peck, I believe, was the
7 first one. And forgive me, I -- I don't remember everybody's
8 positions, but I remember Allyson. I remember seeing Rossann
9 in my store. And Deanna. And then there were -- I mean, I
10 don't know if they're technically above district managers, but
11 they were like regional operations teams in my store, as well.

12 Q Do the hours of your store ever change?

13 A Yes.

14 Q When did that change happen?

15 A So they've -- they've changed a few times. The -- the
16 first change was in late August, I think.

17 Q And what -- what -- how did the hours change?

18 A Yeah. So they were reduced, I believe, on -- on both
19 sides. We were at least started -- instead of coming in at
20 5:00 opening at 5:30, I believe it was -- that we would now
21 come in at 5:30 and open at 6:00. And then instead of, like,
22 closing at 9:00 and leaving the store at 9:30, it changed to we
23 would close at 8:00 and leave the store at 8:45. That was
24 the -- the first change.

25 Q Prior to the campaign, had you ever attended a listening



- 1 session that Starbucks held?
- 2 A No.
- 3 Q What about after the start of the campaign?
- 4 A Yes.
- 5 Q When was the first session you attended?
- 6 A It would have been at -- at the beginning of September.
- 7 Q Where was that session held?
- 8 A The store in Williamsville. I think the one on the Main
- 9 Street of Williamsville.
- 10 Q What time did you go that -- what meetings -- what time
- 11 did you go to the meeting that day?
- 12 A It was in the afternoon.
- 13 Q How many partners were at the meeting you attended in
- 14 early September?
- 15 A A dozen or so.
- 16 Q Were they all from your store?
- 17 A No. I was the only person from my store.
- 18 Q Did you know anyone else there?
- 19 A Yes.
- 20 Q Who was there that you know?
- 21 A I knew -- I -- I know that at least Casey was there.
- 22 Q Do you know Casey's last name?
- 23 A Casey Moore.
- 24 Q Who from corporate was at that meeting?
- 25 A I know Rossann was there, and then I believe Deanna was

1 there. And somebody from partner resources.

2 Q Did you speak at all during that meeting?

3 A Yes.

4 Q What did you say?

5 A I basically, like, described the reasons that I felt like
6 my store wanted to unionize. I talked about -- I think the
7 biggest thing I talked about was the, like, lack of training
8 that we were able to do. And how it was causing a situation
9 where half of the partners in my store weren't trained on bar
10 or CS, which are the most like strenuous positions in the
11 store, I would say. And how that was causing a really bad
12 problem where me and other partners who were trained on those
13 positions would be stuck on them for like six or eight in a
14 shift. And it was, you know, like physically pretty brutal.

15 Q Did you raise any other issues?

16 A Yeah. I talked about the bees in my store.

17 Q Have you talked about the bees with anyone in management
18 prior to this meeting?

19 A Well, my -- my manager, you know, would -- would be there
20 every day, and he's -- you know.

21 Q What did he say about the bees?

22 A I -- I mean, it was just like, they were constantly there.
23 So he'd say things like --

24 Q What did -- what did your manager say about the bees?

25 A He -- he said that they were friendly.



1 JUDGE ROSAS: What -- what are you referring to?

2 MS. STANLEY: The --

3 THE WITNESS: What are bees.

4 MS. STANLEY: Like bees. Like bumblebees. Like --

5 JUDGE ROSAS: Oh, bees.

6 MS. STANLEY: Yeah, yeah. Yeah.

7 THE WITNESS: Like, yeah. Like wasps and hornets.

8 JUDGE ROSAS: I thought it was a reference to something.

9 THE WITNESS: No. They would latch on to our syrups and
10 come in the --

11 MS. POLITO: You have to wait until there's a question.

12 MS. STANLEY: Yeah.

13 THE WITNESS: Oh, I'm sorry.

14 MS. STANLEY: You can't just explain.

15 THE WITNESS: Okay.

16 Q BY MS. STANLEY: Did your manager, prior to the campaign,
17 make any effort to address the bees?

18 A Not to my knowledge.

19 Q What about after the campaign; where they addressed then?

20 A Yeah. So the day after the -- the first listening session
21 that I was in, or the day that I -- the next day I was working.
22 I don't remember if it was exactly the day after, there was an
23 exterminator there.

24 Q Did there come a time when you learned your store would be
25 closing temporarily?

1 A Yes.

2 Q When did you learn that?

3 A I think we closed on the 6th, so it would have been a day
4 before. I think.

5 Q Who told you about the store closing?

6 A My -- my store manager Jonathan sent the message in our
7 store group.

8 Q What did he say the closing was for?

9 A He said that it was for retraining and pest control.

10 Q Did he say how long the store would be closed for?

11 A He didn't say a specific amount of time in that message.

12 Q And to be saying what it meant that the store -- for the
13 store to be closed.

14 A Well, I guess -- I -- I don't know if it was in that
15 message or just communicated to us later. It closed to
16 customers.

17 Q How long, ultimately, was the store closed to customers?

18 A I believe it was just -- just about two months.

19 Q When the store was first closed, what did you do?

20 A So for the first two weeks we were scheduled for cleaning
21 shifts, and then I think the first few days were strictly
22 cleaning. And then we started, like, training shifts where
23 we'd be looking at modules on the store iPads, training
24 modules. They -- and -- and then we do some like physical
25 training on -- on bar or in other roles.

1 Q How long did the training go on for?

2 A I believe the -- the -- like, period where we were
3 scheduled for training was -- was about two weeks. Most of us
4 finished our training in the first week and a half or so.

5 Q Who ran the training? Who was in charge of that?

6 A It was mostly Tito, and then Chris took over for a few
7 days at the end.

8 Q It was Prime at the start during this training process?

9 A For the first couple days of it. Mostly when we were
10 doing the -- the cleaning and he left. He left within the
11 first couple days of our store being closed.

12 Q After that first couple of weeks, what did you guys do
13 next?

14 A We were, like, we started going to and working at
15 different stores around the district.

16 Q How did that come about?

17 A Well, I remember being asked during one of my shifts when
18 we were all kind of like sitting down. Shelby was in the store
19 and she asked us. She basically said, like, we're going start
20 scheduling you at different stores. Where are you available to
21 be scheduled?

22 Q And what did you say?

23 A I told her to schedule me at any store.

24 Q And were you scheduled to after that conversation?

25 A Not like -- we weren't like physically put on the



1 schedule -- put on schedules immediately, at first. So by this
2 point, Romilly was in charge. He was like, our official store
3 manager. And she would -- for the first few days, at least.
4 I'd say probably for the first week she would send us a message
5 either like the night before. Or sometimes the -- the morning
6 of saying, I need you to work at this location for your shift
7 today.

8 Q Did that ever change?

9 A Yes. Within a week or two weeks, we started being put
10 on -- we started getting actual schedules.

11 Q During the time before you were put on an actual schedule,
12 what store did you work at?

13 A I remember picking up a shift at the Hamburg and McKinley
14 store, and a shift at the Camp Road store. And then a couple
15 at the airport location.

16 Q Is the airport location the Genesee store?

17 A Yes. The Genesee store.

18 Q And then once you got put on a schedule, where -- where
19 did you work?

20 A Once I was on the schedule, it was -- it was exclusively
21 at Genesee Street.

22 Q Were other people from Walden and Anderson also working at
23 Genesee Street at that time?

24 A Yes.

25 Q Had you ever worked at Genesee Street before this?



- 1 A No.
- 2 Q Did you ever return to Walden Anderson?
- 3 A Yes.
- 4 Q When was that?
- 5 A I returned sometime in October.
- 6 Q And why did you return to Walden Anderson?
- 7 A Yeah. So at that point, when me and the other people from
- 8 Waldon were being scheduled at different stores, Walden was
- 9 empty. So they were -- it was being used as a training
- 10 location for like pods of new hires coming through each week.
- 11 And they needed, like, more trainers. So me and four or five
- 12 other people from Walden were made barista trainers to train
- 13 these folks.
- 14 Q Who talked to you about becoming a barista trainer?
- 15 A It was Romilly.
- 16 Q Did you apply?
- 17 A No.
- 18 Q So how did you -- how did you become one?
- 19 A She selected me. She told me that the night shift
- 20 supervisors -- so the -- the people who became barista
- 21 trainers were our four shift supervisors. And me and Liam
- 22 (phonetic throughout) and I was told that the shifts
- 23 recommended me and Liam to be the trainers.
- 24 Q When you returned to Walden Anderson to be a barista
- 25 trainer, was there anything different about the store?

1 A Yes.

2 Q What was different?

3 A So during the period when we were closed, there was like
4 lots of fumigation for the insects. So most of that was taken
5 care of by the time I returned. And also, you know, things
6 like the doors not being open much -- as much. The drive-thru
7 window being closed helped with that. Sometime within that
8 period, we also got new nonslip -- nonslip floors. We -- we
9 used to have tile. We had -- we got a new nitro machine, and
10 two of like the newer model of ovens. And I -- I was told that
11 our ice machine had been replaced.

12 Q At the time that you went back to Walden Anderson to be a
13 barista trainer, was a store open to customers?

14 A No.

15 Q So what did you do as a barista trainer at Walden
16 Anderson?

17 A Yeah. So we had these pods of I think like four-ish
18 trainees. And we'd spend each day going through -- we'd like,
19 sit with them as they went through their training module for
20 like a specific topic or a specific position. And then we
21 would physically, you know, walk through that position with
22 them. And usually, like, a six-hour shift or something like
23 that you would work with either the same pod for two different
24 positions, or sometimes me and the barista trainer -- the other
25 is the trainer scheduled that day would talk. And we do --

1 I'd, you know, run the same training twice if that was one that
2 I particularly liked, or something like that.

3 Q Did you train the new people on mobile orders?

4 A Well, we weren't like taking -- you know, we weren't open.
5 So I -- I would train them on bar, which is where --

6 MS. POLITO: Objection. Asked.

7 JUDGE ROSAS: What's the objection?

8 MS. POLITO: He answered the question and he's continuing
9 to --

10 JUDGE ROSAS: Sustained. Next question.

11 Q BY MS. STANLEY: Were mobile orders on during that time?

12 A No, the store was closed.

13 Q Was the drive-thru open?

14 A No.

15 Q Did you train the new people on how to use the ovens?

16 A We didn't have, like, food during that time, because the
17 store was closed. So we would, like, train them without
18 pressing any buttons. We -- we had these -- they're like wax
19 paper that the food normally goes on. And we'd practice
20 putting that in and out of the oven with tongs.

21 Q Does Starbucks have a food benefit that you're aware of?

22 A Yes.

23 Q What's that benefit? How does that work?

24 A So it changed sometime during this period, but it was --
25 at least now what it is, is seven food items a week. Now

1 you're able to mark out.

2 Q What does mark out mean?

3 A Mark out means that you get it for free.

4 Q During the time that you were a barista trainer at Walden
5 Andersen, was that benefit available?

6 A I'm not sure if it was that that exact one. There was one
7 in place where it was one free -- one free food item a day.
8 And at another point, it became seven a week. But you didn't
9 necessarily have to get them on separate days, I guess. But --
10 but --

11 Q Were -- were you able to use that benefit while you were a
12 barista trainer at Walden Andersen?

13 A No. No, we didn't have food.

14 Q Why not?

15 A Well, we -- I guess like, ship -- either shipments weren't
16 coming in for food or we weren't -- we weren't buying the food
17 that we had in the freezers, because there were no customers.

18 Q Other than the barista trainers and the new employees, who
19 was in the store during that time that you were acting as a
20 barista trainer?

21 A They're -- well, they were like the people in charge of
22 the trainings, which was usually Tito and Amy. And -- and
23 Romilly only would be there, as well.

24 Q When did Walden Andersson reopen to customers?

25 A It was in -- in early to mid-November.

1 Q And how did that reopening process go?

2 A It was kind of a gradual or partial reopening at first,
3 where I think the first few days were just drive-thru. And
4 then the -- and then eventually we -- we opened our cafe for a
5 time for -- well, then it was closed again because of COVID.
6 But cafe was open, and then mobile orders were off the whole
7 time.

8 Q When the mobile orders go back on?

9 A I don't know for sure. It was -- it was at least a couple
10 of months after we reopened.

11 Q And after the store reopened to customers, were new
12 baristas still being trained there?

13 A Yes.

14 Q After the store reopened to customers, did you train any
15 more baristas?

16 A Like months later, like, I trained one. Because I --
17 picked up a shift from Claire, who was -- became a barista
18 trainer sometimes in that period. But I was never scheduled
19 to train again.

20 Q Did you ever talk to any managers about not being
21 scheduled to train new baristas?

22 A I did.

23 Q Who did you talk to?

24 A I talked to Amy twice about it.

25 Q Okay. And what did Amy say?

1 A She made it seem like there was some sort of, like, a
2 glitch in the scheduling system where it would, like, all the
3 trainees were going to, like, Liam.

4 Q Do you know whether the other barista trainers were still
5 training new employees?

6 A Yeah. They were.

7 Q How do you know that?

8 A I would be on the floor while they were, you know,
9 training people. And you know, I took Claire's shift. So she
10 scheduled for that.

11 Q In the time after the store reopened in November, how
12 often were support managers present in the store when you were
13 working?

14 A Like, very frequently. Almost all of my working hours.

15 Q And how many support managers would be there on a given
16 day?

17 A Two to three.

18 Q Prior to the campaign, how often was a manager in the
19 store?

20 A Jonathon worked about 40 hours a week, and he was, you
21 know, the only manager ever there, really.

22 Q Colin, did you ever apply for a promotion?

23 A Yes, I have.

24 Q To what position?

25 A Shift supervisor.

1 Q When was the first time you applied for a promotion to
2 shift supervisor?

3 A It was during the time that Romilly was our store manager.
4 Oh, it was -- it was right after Katie, one of the -- one of
5 the other shifts left in -- that would have been right around
6 the time our store reopened. So in November.

7 Q Why did you apply for a shift supervisor position?

8 A I felt like I had, you know, kind of been very good at my
9 role as a barista trainer and a -- and as a barista. My --
10 when Jonathan was manager, he had -- when a prior shift had
11 left, Mackenzie (phonetic throughout) had left, he had asked me
12 to apply to the position. And at that time, I hadn't felt
13 comfortable applying to it, because I was very -- I was pretty
14 new to the store. But by the time the -- the other position
15 opened up, I felt confident applying.

16 Q How do you apply?

17 A Online.

18 Q Did you hear anything back?

19 A Not from, like, the people in charge of hiring, I guess.

20 Q Who did you hear from?

21 A Romilly had one conversation with me where she showed me
22 the, like, development book, I guess.

23 Q And what did she say?

24 A I -- I just remember her saying I should, like, work on my
25 body language.

1 Q Did you talk to anyone else about having applied for the
2 position?

3 A Yeah. I -- I ended up talking to -- to Tito once about
4 it.

5 Q When was that?

6 A It was -- he had stopped by our store for the day. This
7 was when he was -- he was no longer like the -- I think he was
8 now, like, a regional operations coach for the area. But --

9 Q What did he say?

10 A I -- he -- he said that -- you know, something like I -- I
11 should hear back about it sometime soon, and maybe there is
12 some backlog or something.

13 Q Did you ever apply again?

14 A Yeah, I've applied twice. Or twice since.

15 Q Okay. So the second time overall that you applied, when
16 was that?

17 A It was a few -- a few months ago. I applied for Walden.
18 And I applied to be a shift at the Elmwood store as well.

19 Q Did you hear anything after that?

20 A No, I didn't. Well, I got an email about a month ago just
21 saying that I was not, you know, selected to get an interview.

22 Q And did you apply again?

23 A Yeah, I applied within the last month when Rachel, shift
24 supervisor at my store, left.

25 Q Have you heard back from anyone about that application?



1 A I decided to be a little bit more, like, self-advocating
2 this time, I guess, so I -- I sat down -- I asked my manager
3 for a conversation and sat down with her about a -- about a
4 week ago.

5 Q And what did she say?

6 A She said she was happy I was applying and to, like, let
7 her know. If she hears back -- she said that she didn't have
8 control over the process until, like, a later stage of it, but
9 that she would, like, put in a good word for me and that she
10 thought I would be a good shift.

11 Q Are you familiar with Starbucks' dress code?

12 A Yes.

13 Q Prior to the campaign, how was that dress code enforced at
14 Walden-Anderson, to your observation?

15 A Yeah. We -- we weren't able to wear, like, graphic tees.
16 I remember a manager saying that. And then there was one time
17 I remember him correcting somebody for wearing, like,
18 sweatpants.

19 Q Was that person sent home?

20 A No. No, they weren't.

21 Q Were you ever disciplined for the dress code?

22 A Well, on, like, the first few -- I mean, I don't know if
23 you would call it discipline, but on the first few days of the,
24 like, campaign there was --

25 Q Prior to the campaign.

1 A Oh, prior to the campaign. No, I was not.

2 Q After the campaign started, how was the dress code
3 enforced at your store?

4 A It -- at first, the only, like, change I remember was --
5 like, under Jonathan was about pins. So he -- there was one
6 time when I was wearing two different Union pins. I was
7 wearing the, like, green one, and there's a pride one. And he
8 told me I -- I just needed to take one of them off. And then I
9 talked to another coworker later that day or the next day who
10 said that they had been made to take off a separate pin that
11 they were wearing that was not Union related and not Starbucks
12 related.

13 Q After that occasion, were you ever spoken to about the
14 dress code?

15 A Yeah, when -- when Romalie became manager, she started
16 enforcing things strictly.

17 Q Did you attend any other listening sessions, other than
18 the first one you talked about in early September?

19 A Yes.

20 Q When is the next one after that that you went to?

21 A It was in October, I think.

22 Q Do you remember attending any other meetings in September?

23 A In September. I -- I don't remember if it was in
24 September or October, but there was at my store and then there
25 was one at a hotel, both during the time that my store was

1 closed.

2 Q The one that was at your store, how did you learn about
3 that meeting?

4 A It was either, like, put on our, like, printed schedules,
5 or Romalie would have sent us a message about it.

6 Q And where was that store -- where was that meeting held?

7 A It was at my store.

8 Q And what time of day was it?

9 A In the, like, late afternoon, I think.

10 Q Was the store open or closed during that meeting?

11 A Well, it was -- it had been closed to public the -- the
12 whole time. And then there were -- like, we weren't working
13 during the meeting, I guess.

14 Q Were you paid to attend the meeting?

15 A Yes.

16 Q How many partners were there at the meeting you attended
17 that day?

18 A Five or six, I think.

19 Q And who from corporate was there?

20 A I believe it was Mark and Kate.

21 Q What happened during that meeting?

22 A I think -- I mean, they just, like, talked to us about the
23 Union stuff that was going on, and talked to us about our store
24 petitioning.

25 Q Did your store ever petition?



- 1 A Yeah, my store -- well --
- 2 Q When -- when was the first time your store petitioned?
- 3 A Early September. I think September 7th or 8th.
- 4 Q Did your store petition a second time?
- 5 A Yes.
- 6 Q When was that?
- 7 A In -- it was right after we reopened.
- 8 Q Did you speak up at all during that meeting?
- 9 A I did.
- 10 Q What did you say?
- 11 A Well, I just tried to push back against some of the stuff
- 12 that was being said about the Union being, like, a third party
- 13 and -- and talking about, like, paying dues and stuff.
- 14 Q And when was the next meeting you attended?
- 15 A In mid-to-late October, I think.
- 16 Q How did you learn about that October meeting?
- 17 A That one we were, like, given an envelope inviting us to
- 18 it.
- 19 Q And where was that meeting held?
- 20 A It was in a hotel in -- in the downtown.
- 21 Q Were you paid to attend that meeting?
- 22 A I think so, yeah.
- 23 Q What time of day was that?
- 24 A That was at night.
- 25 Q How many partners were at that meeting?

- 1 A Me and -- myself and three others.
- 2 Q Who from corporate was there?
- 3 A There was Michaela, not the current Michaela, my store
4 manager, the -- I -- I don't really know where she's from or
5 something, but she was just a store manager at other stores in
6 Buffalo after the campaign. And then Mark was there. And I
7 think Kate was there again.
- 8 Q Did you record that meeting?
- 9 A I did.
- 10 Q How did you record it?
- 11 A I recorded it on my phone.
- 12 Q Did you record the full meeting?
- 13 A Yes.
- 14 Q What did you do with that meeting after you recorded it?
- 15 A After recording it, I sent it to Ian, I think. And then I
16 ended up providing it to the NLRB.
- 17 Q Did you alter the recording in any way after you made it?
- 18 A No.
- 19 Q If I were to play it for you, could you identify it?
- 20 A I think so, yes.
- 21 Q Have you seen a transcript for that meeting?
- 22 A I have.
- 23 Q What did you do with that transcript?
- 24 A I listened to the meeting and read the transcript and
25 made, like, corrections to the names of who was speaking.

1 MS. STANLEY: Your Honor, at this point, the -- the
2 transcript and audio for that meeting have been provided to
3 Respondent. I would mark it as General Counsel Exhibit 134(a),
4 the audio, and (b) the transcript. And everybody has hard
5 copies of the transcript today as well. So I would move for
6 the admission of General Counsel Exhibit 134(a) and (b).

7 MS. POLITO: Same standing objection, Judge. And I will
8 note that 134(b) contains Employer captive audience meeting,
9 and I believe that they were going to remove that language from
10 all the transcripts, but --

11 MS. STANLEY: Sorry. I didn't even notice that.

12 MS. POLITO: -- wanted to point that out for the record.

13 MS. STANLEY: I'll eliminate that on the version that gets
14 uploaded to the actual reporter.

15 MS. POLITO: Thank you.

16 MS. STANLEY: Yeah.

17 HEARING OFFICER ROSAS: Is 134(b) the transcript that you
18 just referred to? Do you have that in front of you?

19 THE WITNESS: Oh, sorry.

20 MS. STANLEY: There should be three up there. One should
21 say 134(b) at the bottom.

22 THE WITNESS: 134(b). Me, Kate, Mark, Michaela. Yes.
23 Yeah, that's the correct one then.

24 HEARING OFFICER ROSAS: The objection is overruled in
25 accordance with my previous ruling. General Counsel's 134(a),

1 an audio recording, and 134(b), a transcript thereof, are
2 received in evidence.

3 Q BY MS. STANLEY: Colin, did you attend any further
4 meetings after that October meeting?

5 A Yes, I did.

6 Q When's the next meeting you attended?

7 A There was one at my store in -- in December.

8 Q How did you learn about that December meeting?

9 A I -- I -- it -- I think it was written on our schedules.

10 Q What time of day was that meeting held?

11 A In the aft -- afternoon or evening. There were, like,
12 three meetings. I don't remember the time actually.

13 Q Was your store open or closed during the meeting you went
14 to?

15 A We were closed.

16 Q Did the store reopen afterward?

17 A No.

18 Q How many partners were there?

19 A At this one, like, a dozen, I think.

20 Q And who from corporate was at that December meeting?

21 A At that one, it was Mark. I think Kathleen from partner
22 resources. And then MK was there; and Allyson was there.

23 Q Do you know what Mark's title is?

24 A Well, Mark was our district manager. And then at some
25 point there was a transition from Mark to MK.

1 Q Did you record that December meeting?

2 A I did.

3 Q How did you record it?

4 A On my phone, as before.

5 Q Did you record the full meeting?

6 A Yes.

7 Q What did you do with the recording after you made it?

8 A Same thing. Sent it to Ian, provided it to the NLRB when

9 I gave my affidavit.

10 Q Did you alter the recording in any way?

11 A No.

12 Q If I were to play it, could you identify it for us?

13 A Yes, I could.

14 Q Have you seen the transcript of that? Sorry, you have to

15 say yes or no.

16 A Yes. Sorry.

17 Q What did you do with that transcript?

18 A I -- I marked it up and -- like with identifying the

19 speakers. Same as before.

20 Q Can you look at the document before you marked GC Exhibit

21 135(b) .

22 A 135(b) .

23 Q Tell me if that's the transcript of the December meeting

24 you're talking about?

25 A Yes, it is.

1 MS. STANLEY: I would offer General Counsel Exhibit 135(a)
2 as the audio, (b) as the transcript.

3 MS. POLITO: Judge, note our continuing objection. But I
4 also think there might be an issue with the number of General
5 Counsel's exhibits.

6 MR. HAYES: It looks like 134 and 135 were admitted last
7 Friday -- or the Friday that we broke with our witness Erin
8 O'Hare. I have pulled the transcript up and we already have
9 134 and 135.

10 MS. STANLEY: Okay. That is not on my list.

11 MR. HAYES: They're photographs, Alicia.

12 MS. STANLEY: Yeah, I wasn't here when she was testifying
13 so just didn't write it down. Okay. So then I would retitle
14 those. I will make 134 into 137, 135 into 138.

15 MR. HAYES: So Alicia, so we're clear, so what you have
16 previously offered as GC 134(a) and 134(b) you're now going to
17 have it as 137(a) and 137(b)?

18 MS. STANLEY: That's correct. And then this one that
19 we're talking about now that currently marked 135(a) and (b)
20 will be 138(a) and (b), because I have a 136.

21 MS. POLITO: All right. If you guys are good.

22 MR. HAYES: Yeah, I think we're good.

23 MS. POLITO: You've all lost me completely, so.

24 HEARING OFFICER ROSAS: Okay. Noted.

25 MS. POLITO: And then we just have our same standing

1 objection, Judge.

2 HEARING OFFICER ROSAS: Same ruling. Overruled. General
3 Counsel's 138(a) and 138(b) are received.

4 **(General Counsel Exhibit Number 138(a) and (b) Received into**
5 **Evidence)**

6 MS. STANLEY: Thank you.

7 Q BY MS. STANLEY: After that December meeting, Colin, did
8 you attend any further meetings?

9 A There was one in January.

10 Q How did you learn about that January meeting?

11 A It was in the same way, written on our schedules.

12 Q And where was that meeting held?

13 A In our store in Elmwood.

14 Q What time of day was it?

15 A Evening.

16 Q Was the store open or closed?

17 A Closed.

18 Q How many partners were there?

19 A The one I attended there were, like, four or five of us.

20 Q And who from corporate was at that meeting?

21 A I think it was just MK and Kathleen was there.

22 Q Did you record that meeting?

23 A I did.

24 Q How did you record it?

25 A On my phone.

1 Q Did you record the full meeting?

2 A I did.

3 Q And what did you do with the recording after you made it?

4 A I sent it to Ian and later provided it to the NLRB when I
5 gave my affidavit.

6 Q Did you alter that recording in any way?

7 A I did not.

8 Q If I were to play it, could you identify it for us?

9 A Yes.

10 Q Have you seen the transcript of it?

11 A Yes.

12 Q What did you do with that transcript?

13 A I identified the speakers.

14 Q Can you look at the document in front of you that's marked
15 GC 136(b) and tell if that's the -- the transcript that you're
16 referring to?

17 A Yes, it is.

18 MS. STANLEY: I would offer GC Exhibit 136(a), the audio,
19 and 136(b), the recording.

20 HEARING OFFICER ROSAS: So that numbering doesn't need to
21 change?

22 MS. STANLEY: No, I -- I -- no. Right there, no. That
23 one can stay the same.

24 HEARING OFFICER ROSAS: Okay.

25 MS. POLITO: Same standing objection, Judge.

1 HEARING OFFICER ROSAS: Same ruling. Overruled. General
2 Counsel's 136(a) and 136(b) are received.

3 **(General Counsel Exhibit Number 136(a) and (b) Received into**
4 **Evidence)**

5 Q BY MS. STANLEY: Colin, are you familiar with a partner
6 named -- a former partner named Kaitlyn Baganski?

7 A Yes.

8 Q How do you know Kat?

9 A We've been dating for almost five years.

10 Q Are you aware that Kat applied to work at Starbucks?

11 A Yes.

12 Q Do you remember when that was?

13 MS. POLITO: Objection. She just testified earlier today
14 about her application process and her time at Starbucks.

15 HEARING OFFICER ROSAS: Well, let's -- let's test his
16 knowledge a little bit.

17 A I wouldn't remember the exact month. It was -- it was
18 over the winter, because she was an archeologist and couldn't
19 dig when the ground was frozen.

20 Q Did you ever talk to any managers about Kaitlyn applying
21 at Starbucks?

22 A I did, yes.

23 Q Who did you talk to?

24 A It came up in a conversation -- a one-on-one conversation
25 I had with MK.

1 Q And what was said during that conversation?

2 A Well, I -- I just said that Kat was looking for a job and
3 she was thinking of applying at Starbucks.

4 Q Did you tell MK who Kat was?

5 A Yeah. Well, I said, my girlfriend Kat, yes.

6 Q Did you talk to any other manager about Kat applying?

7 A I think it came up with -- with Amy, who was my store
8 manager at the time and was -- I think was still kind of in
9 charge of a lot of the hiring and training going on.

10 MS. STANLEY: Your Honor, the remainder of my questions
11 for this witness go to the just and proper reference.

12 Q BY MS. STANLEY: Colin, prior to the time your store
13 closed to the public, were you attempting to organize the
14 store?

15 A Yes.

16 Q How was that process going?

17 A It was going well. Sorry, do you want me to, like,
18 describe the process?

19 Q Yes, please.

20 A Okay. It -- it was -- I mean, I -- I would talk to
21 everybody every shift that I worked, and I'd have cards in
22 my -- like a little drawstring backpack that I left in the back
23 of house. And I had, like, leaflets -- like, literature
24 that -- in packets that we got at the Union meetings. And like
25 anytime I got the chance, I would try to talk to people about

1 organizing. I also had pins that I would give out to people in
2 my store. And I would try to get them as much information as
3 possible and then ask them to sign a card.

4 Q Did that change after the store closed?

5 A Well, for the first, like, week or so when we were still
6 together --

7 MS. POLITO: Objection. He's not answering the question.

8 Q BY MS. STANLEY: That was a yes or no to the change.

9 A Oh. Yes, it changed.

10 Q And how did it change after the store closed?

11 A Well, at first it changed because we were -- we were doing
12 retraining to retrain, so we were -- it was always overseen by
13 Tito, so there wasn't really a time to talk to people about the
14 Union outside of, like, the earshot of -- of managers. And
15 then obviously it changed again when we were sent to different
16 stores all over the market, because I wasn't seeing my
17 coworkers as often.

18 Q Did the presence of support managers in the store have an
19 impact on your ability to organize?

20 A Yes.

21 Q What was that impact?

22 A Like what, like, I was saying with -- with the -- how it
23 was when we were training. It was hard to have a conversation
24 with somebody about the Union outside of managers being able to
25 hear it.

1 MS. STANLEY: I have nothing further at this time, Your
2 Honor.

3 HEARING OFFICER ROSAS: That concludes his entire
4 testimony?

5 MS. STANLEY: Yes.

6 HEARING OFFICER ROSAS: Okay. Charging Party?

7 MR. HAYES: No questions.

8 HEARING OFFICER ROSAS: Okay. Off the record.

9 (Off the record at 2:36 p.m.)

10 HEARING OFFICER ROSAS: All right. Cross-examination?

11 **CROSS-EXAMINATION**

12 Q BY MS. POLITO: Good afternoon, Mr. Cochran. When you
13 started working at Starbucks, did you receive a partner guide?

14 A I believe I did.

15 Q And did you acknowledge receipt of the partner guide? Do
16 you recall doing that?

17 A Probably.

18 Q Well, I'm asking if you recall.

19 A I don't remember specifically.

20 Q You don't remember signing it -- signing a receipt for it?

21 A No, I don't -- I don't remember that.

22 Q Do you -- do you remember actually receiving a copy of the
23 partner guide?

24 A I think that -- yes, I do remember seeing a copy of that.

25 Q And you talked to us earlier about your girlfriend, Kat,

1 that testified earlier today?

2 A Yeah.

3 Q And you told us that before Kat got her job at Starbucks
4 you told MK, who's sitting at defense table, that Kat was your
5 girlfriend; is that correct?

6 A Yeah.

7 Q And at that time it was well known that you were a Union
8 supporter; isn't that correct?

9 A Yes.

10 Q Because you had openly and actively supported the Union;
11 is that correct?

12 A Yes.

13 Q And MK didn't do anything to prevent your girlfriend from
14 getting a job at Starbucks; is that correct?

15 MS. STANLEY: Objection. He couldn't know what MK did or
16 didn't do.

17 Q BY MS. POLITO: Well, she got a job, right? She was
18 hired?

19 A Yes, she was hired.

20 Q After you told MK that she was your girlfriend, correct?

21 A Yeah. I mean, I didn't give her her full name or
22 anything. You know, I don't -- I don't know that it could have
23 been how well -- if MK were in control of the hiring process,
24 how else she could have screened it. But I believe I said my
25 girlfriend's name was Kat, so.

1 Q And when you told MK that, you really -- you weren't
2 concerned that MK was going to do anything to prevent your girl
3 from get -- girlfriend from getting a job at Starbucks,
4 correct?

5 A I -- I mean, to be honest, I -- I did have a little bit of
6 concern. I did regret saying her first name.

7 Q But you said it anyway?

8 A Yes.

9 Q Okay. And Kat did, in fact, get hired, correct?

10 A She did get hired, yes.

11 Q And then you talked to us earlier about the fact that you
12 attended a listening session early in September where you
13 talked to some corporate executives about issues that had been
14 done -- issues you had with training and bees; is that correct?

15 A That's correct.

16 Q And those issues were prior to August 2021?

17 A Yes.

18 Q When were you hired again at Starbucks?

19 A I was hired in June.

20 Q June of 2021?

21 A Yes.

22 Q And when you were hired you were aware that there were
23 bees in the store, correct?

24 A When I was hired?

25 Q After you started working you were aware that there were

1 bees -- a problem with bees in the store, correct?

2 A Yes.

3 Q And you were also aware that there were training issues,
4 correct?

5 A Yes.

6 Q And so after the listening session and your discussion
7 about the bees, you testified that someone came in to fix the
8 bee problem; is that correct?

9 A That's correct.

10 Q But no one did that prior to August of 2021, correct?

11 A That's correct.

12 Q Your store manager failed to take action to correct the
13 bees; is that correct?

14 A Yes.

15 Q And you testified earlier that you became a barista
16 trainer at Walden-Anderson; is that correct?

17 A Yes.

18 Q And do you know how many baristas you trained during the
19 time that you were at Walden-Anderson?

20 A I'm not sure how many.

21 Q And those baristas that you trained were then placed into
22 stores throughout the Buffalo market; is that correct?

23 A Yes.

24 Q And the time -- at the time that you were asked to be a
25 trainer, you -- you were a vocal Union supporter; is that

1 correct?

2 A Yes.

3 Q Are you aware that there's been multiple complaints that
4 those individuals that were trained at Walden-Anderson were not
5 able to perform the job when they were placed in stores
6 throughout the market?

7 A I'm aware that there have been some complaints, yes.

8 Q Were you deficient with respect to your training of them
9 while you were at Walden-Anderson?

10 A No, I was not.

11 Q So how is it that they weren't trained when they were
12 placed in the market?

13 A Well, I wasn't the only trainer. And I believe that there
14 were training issues before there were any people from my store
15 in there, which is part of the reason that they brought us in.

16 Q And so the training at Walden-Anderson didn't solve the
17 ongoing training problem; is that fair to say?

18 A Didn't solve the ongoing training problem at -- at my
19 store?

20 Q At -- in the market.

21 MS. STANLEY: Objection. How could he know about the
22 whole market?

23 HEARING OFFICER ROSAS: Foundation.

24 Q BY MS. POLITO: You told me that when you started working
25 at Walden-Anderson there was a training problem at your store,

1 correct?

2 A Yes.

3 Q And then we just talked about the fact that you were a
4 barista trainer at Walden-Anderson; is that correct?

5 A Yes.

6 Q And that some of the baristas you trained at Walden-
7 Anderson went throughout the Buffalo market, correct?

8 A Correct.

9 Q And there were still complaints about whether or not those
10 baristas could, in fact, perform the job when they were placed
11 in the market, correct?

12 A Yes.

13 Q So there was still ongoing training issues in the Buffalo
14 market even after they were trained at the Walden-Anderson
15 store, correct?

16 A Yes.

17 Q You talked about the food benefit on direct examination.
18 And isn't it true that during COVID Starbucks increased the
19 food benefits so that the partners could get the seven-day --
20 seven food items per week; is that correct?

21 A I don't think I was working at Starbucks at the time, but
22 I -- I think that's the case.

23 Q So you weren't aware of whether or not that benefit was
24 created as a result of COVID?

25 A I -- I believe it was, yes.



1 Q Okay. And so when you started in June of 2021, you were
2 able to take -- to use the seven food items per week benefit;
3 is that correct?

4 A It was slightly different when I started, where it was a
5 food item every day, which does work out to seven per week.
6 But then it was changed so that it was seven per week but on --
7 I could take out two on the same day, for example.

8 Q Okay. So at -- at some point it changed a little bit --

9 A Yes.

10 Q -- to either be one per day or a total of seven per week,
11 correct?

12 A Correct. Correct.

13 Q And when you were working at Walden-Anderson as a barista
14 trainer, the store was closed to customers, correct?

15 A Yes.

16 Q So we talked about the fact earlier that there was no food
17 because you weren't serving any customers, correct?

18 A Yes.

19 Q But you could have used that food benefit at any other
20 Starbucks store in the market, correct?

21 A Yeah. If I had driven there, yeah.

22 Q If you had driven there, correct?

23 A Yes.

24 Q Or if you had chosen to go into any other Starbucks store,
25 you still could have used that food benefit, correct?

1 A Yeah. I believe so.

2 Q So it wasn't taken away from you. It's just that it
3 couldn't be used at a store that wasn't serving food to
4 customers, correct?

5 A Yeah. It couldn't be used at the store I was working.

6 Q Because the store was closed to customers?

7 A Yeah.

8 Q With respect to communicating with your colleagues
9 regarding Union activity, isn't it true that you had other
10 means of communicating with them through social media?

11 A Through social media? No.

12 Q You didn't -- you've never commuted -- you've never
13 communicated with any of Starbucks partners through soc -- any
14 social media platform?

15 A I mean, I -- I'm friends with some of them on Facebook.

16 Q So is there a specific Facebook group dedicated to Union
17 activities in the Buffalo market or --

18 A As a --

19 Q -- nationwide?

20 A -- group, no.

21 Q No. Is there a Facebook page?

22 A I think there is a Facebook page, yeah.

23 Q All right. Do you have any involvement with respect to
24 posting or anything relating to social media with respect to
25 the Union?

1 A Yeah, I -- I posted on the Twitter account sometimes.

2 Q Are you a Union employee?

3 A No. Well, now I am, yes.

4 Q Since when have you become a Union employee?

5 MR. HAYES: Objection. Relevance.

6 HEARING OFFICER ROSAS: Counsel, is this ULP related or
7 just improper evidence?

8 MS. POLITO: Just improper evidence, Judge. My apologies.

9 HEARING OFFICER ROSAS: Okay. I -- I'm not here. I see
10 nothing, hear nothing. So --

11 MR. HAYES: Okay.

12 HEARING OFFICER ROSAS: -- it's up to you guys.

13 A In -- I don't remember what the date is exactly, but for
14 the last couple months I've been an intern with the Union.

15 Q BY MS. POLITO: A paid intern?

16 A Yes.

17 MR. HAYES: Objection.

18 Q How many hours a week do you work?

19 MR. HAYES: Same objection.

20 THE WITNESS: I should continue?

21 HEARING OFFICER ROSAS: Listen to the words.

22 THE WITNESS: Okay. Sorry.

23 A How many hours? Between 5 and 15.

24 Q BY MS. POLITO: When you were at Walden-Anderson, how did
25 you communicate with your partners regarding Union activity?

- 1 A When we were together, it was by word of mouth.
- 2 Q And would you hold meetings?
- 3 A Not really. There were, like, weekly meetings at the
4 Union office, but it was just talking to each other on the
5 floor.
- 6 Q Did you communicate via text?
- 7 A No, not -- not via text message.
- 8 Q Did you communicate via GroupMe?
- 9 A Occasionally, yeah.
- 10 Q Any other group way of communicating with each other,
11 other than GroupMe?
- 12 A No, I -- I think that was the only one.
- 13 Q Was there a Snap Chat group where you communicated with
14 each other?
- 15 A I don't have Snap Chat, so.
- 16 Q And so earlier you told us that it was difficult to
17 communicate with your colleagues because there were store
18 managers in the store. Do you remember that testimony?
- 19 A Yes, I do.
- 20 Q But you were still able to communicate with your
21 colleagues outside of the workplace, correct?
- 22 A It was more difficult.
- 23 Q Why was it more difficult?
- 24 A The way that GroupMe works, you know, people don't have
25 notifications turned on, or you know, sometimes direct

1 messages, you don't get an immediate notification for them. So
2 it was -- it -- I mean, it's -- it's harder than talking to
3 somebody face to face I guess is what I mean.

4 Q And so you could communicate via people's cellphone
5 though, correct?

6 A Well, yeah, on -- I mean, I didn't have people's phone
7 numbers.

8 Q You didn't get -- collect people's phone numbers when they
9 started working at Starbucks?

10 A No, we didn't have a -- a phone list in our back room when
11 I started working.

12 Q Are you aware of anyone else on behalf of the Union that
13 collected cell phone numbers when partners started working at
14 Starbucks?

15 MS. STANLEY: Objection. Relevance.

16 MS. POLITO: You can answer.

17 A Okay. I know some people were, you know, trying to get
18 phone logs to contact some people, yes.

19 Q BY MS. POLITO: To get -- so they could communicate with
20 them to support the Union, correct?

21 A Correct.

22 Q Have you seen those phone logs?

23 A No.

24 Q Are you part of any text messages chain -- text message
25 chain regarding Union activities?

- 1 A Yes.
- 2 Q And what's the name of the text message chain?
- 3 A We don't have a name for it. It's got iPhone and Android.
- 4 Q So it's just a chain of phone numbers or cell phone
5 numbers?
- 6 A Yes.
- 7 Q Any other group text or other ways of communicating, other
8 than the cell phone text chain that we just talked about, and
9 the Facebook?
- 10 A I mean, I've communicated with partners over text in --
11 you know, one-on-one and stuff.
- 12 Q How are people notified of the weekly meetings at the
13 Union office?
- 14 A By talking to them.
- 15 Q Word of mouth?
- 16 A Yes.
- 17 Q Were they also notified via text message?
- 18 A Not via text message I don't think, no.
- 19 Q Were they also notified via Twitter?
- 20 A That's a good question. I -- I don't recall. I'd have to
21 check the -- the Twitter history. I don't think we were
22 publicly posting about the Union meetings though.
- 23 Q What about through Facebook? Would people have been told
24 about the weekly meetings at the Union office through Facebook?
- 25 A Again, I am not sure.

1 Q And isn't it true that with respect to the first petition
2 at Walden-Anderson you voluntarily withdrew that petition; is
3 that correct?

4 A Yes, we did.

5 Q And you were part of the decision to voluntarily withdraw?

6 A Yes.

7 Q And you did that strategically so as to not slow down
8 petitions at Camp Road, Elmwood, and Genesee Street stores,
9 correct?

10 A That's correct.

11 MS. POLITO: Nothing further.

12 HEARING OFFICER ROSAS: Redirect?

13 MS. STANLEY: Sure.

14 **REDIRECT EXAMINATION**

15 Q BY MS. STANLEY: Colin, are you in a GroupMe message group
16 with your Walden-Anderson colleagues?

17 A I am, yes.

18 Q Is the store manager in that GroupMe as well?

19 A She is, yes.

20 Q When you started training people at Walden-Anderson as a
21 barista trainer, how did you know what to train them on?

22 A We -- I mean, we had things like a, I guess, schedule
23 for -- you know, I would go in and say, like, this is what
24 we're training people on today. On the iPads there would be,
25 like, a training guide for trainers that would tell us how to

1 go through everything with -- with the partners.

2 Q Did you create that training guide?

3 A No, I did not.

4 Q Did you create the training schedule?

5 A No, I didn't.

6 Q Did you deviate from the training guide?

7 A No.

8 MS. STANLEY: I have nothing further.

9 MR. HAYES: No questions.

10 **RECROSS-EXAMINATION**

11 Q BY MS. POLITO: Did you tell anyone that you didn't think
12 that the baristas were trained and ready to go out into the
13 market --

14 MS. STANLEY: Objection, beyond the scope --

15 Q -- after you trained them?

16 MS. STANLEY: -- of my redirect.

17 MS. POLITO: No, it's not.

18 MS. STANLEY: It is.

19 HEARING OFFICER ROSAS: Hold on. Repeat the question.

20 Q BY MS. POLITO: Did you tell anyone that you worked with
21 at Walden-Anderson that the baristas you trained were not
22 prepared to go out into the market?

23 HEARING OFFICER ROSAS: Overruled.

24 A I think the baristas that I trained were ready to go out
25 into the market.

- 1 Q BY MS. POLITO: Who were the baristas that you trained?
- 2 A I don't know their names.
- 3 Q How many did you train?
- 4 A Again, I don't remember --
- 5 Q You don't --
- 6 A -- the exact number. It would be -- I mean, so I didn't
- 7 train the same ones every day, or I wouldn't be with the same
- 8 pod throughout their week. But I would -- I would train, you
- 9 know, four at a time. Worked with the same group repeatedly
- 10 sometimes. And I did that for a few weeks. So I probably
- 11 interacted with a couple dozen maybe.
- 12 Q But you don't remember any of their names?
- 13 A I know that I trained Courtland, who ended up at the
- 14 Elmwood location. I know that I trained Amber, who ended up at
- 15 my location. And most of the other ones -- I mean, I would
- 16 know them for, like, two days and then they'd end up in a --
- 17 oh, wait. I trained Ashlyn, who ended up at my location. Most
- 18 of the others would end up at -- at other stores.
- 19 Q When you say "my location," you really mean not -- you
- 20 don't own the store, Starbucks owns the store. You mean the
- 21 Walden-Anderson location --
- 22 A Yes.
- 23 Q -- right?
- 24 A I mean Walden-Anderson.
- 25 Q Right.

1 MS. POLITO: That's all I have. Thank you, Judge.

2 MS. STANLEY: Nothing further.

3 MR. HAYES: No questions.

4 HEARING OFFICER ROSAS: All right. You're excused.

5 THE WITNESS: Thank you.

6 HEARING OFFICER ROSAS: Do not discuss your testimony with
7 anyone --

8 THE WITNESS: Okay.

9 HEARING OFFICER ROSAS: -- until you're advised that the
10 record and the case is closed, all right? Have a good day.

11 THE WITNESS: Thank you.

12 HEARING OFFICER ROSAS: All right. Off the record.

13 (Off the record at 3:24 p.m.)

14 HEARING OFFICER ROSAS: Nothing else for today?

15 MS. STANLEY: No, Your Honor, unfortunately.

16 HEARING OFFICER ROSAS: Okay. Okay, so we'll adjourn
17 until tomorrow at 9 a.m. Off the record.

18 **(Whereupon, the hearing in the above-entitled matter was**
19 **recessed at 3:24 p.m. until Tuesday, August 23, 2022 at 9:00**
20 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Numbers 03-CA-285671, 03-CA-290555, 03-CA-291157, 03-CA-291196, 03-CA-291197, 03-CA-291199, 03-CA-291202, 03-CA-291377, 03-CA-291378, 03-CA-291379, 03-CA-291381, 03-CA-291386, 03-CA-291395, 03-CA-291399, 03-CA-291408, 03-CA-291412, 03-CA-291416, 03-CA-291418, 03-CA-291423, 03-CA-291431, 03-CA-291434, 03-CA-291725, 03-CA-292284, 03-CA-293362, 03-CA-293469, 03-CA-293489, 03-CA-293528, 03-CA-294336, 03-CA-293546, 03-CA-294341, 03-CA-294303, 03-CA-206200, Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse, US District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on August 22, 2022, at 9:12 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



ELAINE LAROSEE

Official Reporter

